PENINSULA TOWNSHIP

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PENINSULA TOWNSHIP
PLANNING COMMISSION AGENDA
Regular Meeting
September 28, 2026
7:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Election of Officers**
6. **Brief Citizen Comments** (For Agenda Items Not Scheduled for Public Hearing)
7. **Communications**
8. **Conflict of Interest**
9. **Approval of Minutes**
   August 24, 2026 Minutes
10. **Business**
    a. Ord# 212 Accessory Dwelling Unit Amendment
    b. Draft Zoning Ordinance- 6, Zoning Map
    c. Draft Zoning Ordinance – Articles 1, 11, 12, 13, 2

11. **Reports and Updates- Verbal**
    a. Agricultural Advisory Committee (Beard)
    b. Township Board (Alexander)
    c. Non-Motorized Plan (Shipman)

12. **Brief Public Comments (Please keep comments to 3 minutes or less)**
13. **Other Matters or Comments by Planning Commission Members**
14. **Adjournment**

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

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI
49686 www.peninsulatownship.com

Planning Commission
Regular Meeting
August 24, 2026, 7:00 p.m.
Township Hall
Minutes

1. **Call to Order by Beard at 7:00 p.m.**
2. **Pledge**
3. **Roll Call – Present:** Alexander, Beard, Eckstein, Hornberger, Lyon, Shanafelt, Shipman; **Planner of Record:** Sara Schroeder; **Consultant:** Chris Khorey, McKenna
4. **Approve Agenda**

Motion by Alexander to approve the agenda, seconded by Shipman. **Motion Passes**

5. **Brief Citizen Comments (For Agenda Items Not Scheduled for Public Hearing):** none
6. **Communications:** none
7. **Conflict of Interest:** none
8. **Approval of Minutes**
   a. July 27, 2026 Minutes

Motion by Alexander to approve, seconded by Lyon. **Motion Passes**

9. **Business**
   a. **Introduction - Peninsula Township Non-Motorized Transportation Plan**

Chris Khorey of McKenna presents the draft Plan, developed through the Non-Motorized Committee and public engagement as an implementation item of the 2024 Master Plan. The plan seeks to improve safety and connectivity for pedestrians, cyclists, motorists, agricultural equipment, and other roadway users while preserving the Township's rural character. Recommendations include separated pathways, paved and advisory shoulders, intersection improvements, pedestrian crossings, roundabouts or other alternatives, signage, neighborhood pedestrian connections, and improvements tailored to roadway constraints. Center Road remains the primary free-flowing north-south corridor, while shoreline and other secondary roads receive greater emphasis on pedestrian and bicycle safety.

PC is generally supportive of the plan and discusses agricultural equipment compatibility with roundabouts, possible use of J-turns, steep-road conditions, the legality of Idaho stops, possible signage prohibiting passing on shoulders, advisory shoulders and removal of centerlines, use of private roads and utility rights-of-way, and whether the plan should remain a standalone Township policy or eventually be incorporated into another planning document. Requested revisions include consideration of J-turns at Mission Road, additional attention to improper shoulder passing, correction of language regarding neighborhood pedestrian connections, and photographs demonstrating proper pedestrian practices and local agricultural equipment.

The Chair opens the floor for public comment.

Kurt Dost, 7478 Peninsula Drive: asks whether the mapped recommendations are intended as concrete proposals and emphasizes the importance of continued public input before implementation.

John Casteel, 12337 Bluff Road: objects to a roadway concept for Bluff Road/East Shore that would narrow or reconfigure the travel area and asks that the idea be removed rather than retained as a lower-priority option.

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Mark Dost, 7455 Peninsula Drive: expresses concern about widening or altering narrow portions of Peninsula Drive, noting existing unsafe passing behavior and physical constraints created by the bay and nearby homes. He urges careful, location-specific review of any proposed roadway changes.

Hearing no further remarks, the Chair closes the comments.

PC discusses recommending to the Township Board the establishment of an implementation committee, prioritizing projects, coordinating with the Road Commission and other agencies, and allowing additional time for public review, and agrees to proceed to a public hearing after minor revisions are completed.

Motion by Alexander to schedule the Non-Motorized Plan for a public hearing during October 26, 2026 meeting of the Planning Commission, seconded by Eckstein. **Motion Passes**

b. Public Hearing: Lighting, Amendment #213

Schoeder/PC reviews Amendment #213 which updates existing lighting regulations for newer technology, maintains dark-sky and full-cutoff standards, and distinguishes between commercial site-plan requirements and residential lighting.

The Chair opens the floor for public comment.

Hearing no remarks, the Chair closes the comments.

During discussion, PC requests that a clear redline showing both new and deleted language accompany the ordinance to the Board and be available to the public. The PC is comfortable forwarding the ordinance without reviewing another draft.

Motion by Hornberger to recommend approval of Zoning Ordinance Amendment #213 to the Township Board, seconded by Alexander. **Motion Passes**

c. Public Hearing: Accessory Dwelling Unit, Amendment #212

Schroeder/PC reviews Amendment #212, which would establish accessory dwelling units (ADUs) as a permitted use subject to specific standards. The amendment is drawn from the broader draft zoning ordinance and has previously been reviewed by the Rewrite Subcommittee and PC. Since the PC's prior review, the principal change clarifies that the property owner must occupy either the principal dwelling or the ADU. The draft distinguishes ADUs from the Township's existing allowance for a second dwelling on larger parcels and creates a formal regulatory framework addressing lot area, unit size, setbacks, owner occupancy, and related standards. PC notes that the minimum lot-size requirement has been a recurring point of discussion and has also generated public comment.

The Chair opens the floor for public comments.

J. Polito, 20118 Center Road: supports allowing ADUs but questions whether the proposed standards were adequately reflected in the public notice and argues that requiring twice the minimum lot area for a detached ADU is overly restrictive and undermines the purpose of treating the unit as accessory.

Hearing no further remarks, the Chair closes the comments.

PC reviews additional written comments and revisits lot size, minimum and maximum unit size, lot coverage, setbacks, and use of existing accessory structures. Commissioners generally agree to remove the requirement that detached ADUs be located on lots twice the minimum size, rely on existing lot-coverage and building-envelope requirements, reduce the detached-unit setback from 25 feet to 10 feet, and clarify language regarding foundations. PC retains the general minimum-size distinction between attached and detached ADUs while considering an exception for ADUs created within existing accessory structures. Staff will prepare a revised draft for review at the next meeting before the PC takes final action.

d. Public Hearing: Special Use Permit Approval Language, Amendment #210

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Schroeder/PC reviews Amendment #210, proposed changes to the special use permit approval language. The chair notes the draft has been under discussion for approximately two years, with the latest revisions consisting primarily of typographical corrections and clarification. PC discusses wording related to expiration of approvals and extensions, agreeing that language such as "provided" should be revised for clarity. They also revisit whether the term "materially" should remain in the criteria for determining whether a proposed change constitutes a minor amendment, noting the degree of judgment involved in determining whether an alteration is material.

The Chair opens the Public Hearing.

Hearing no remarks, the Chair closes the Public Hearing.

{P**The Chair opens the Public Hearing.**

Hearing no remarks, the Chair closes the Public Hearing.

PC reviews a proposed general standard stating that a special use must not diminish the "privacy, safety, security, or enjoyment" of nearby residential properties. Commissioners express concern that the language is overly subjective and could improperly elevate neighboring property owners' expectations over an applicant's lawful property rights. After determining that the language is not contained in the current ordinance and that other standards already address hazardous or disturbing impacts and compatibility with surrounding development, the PC reaches consensus to strike the provision. Eckstein explains that he remains concerned about adequately protecting neighboring property owners, while other commissioners conclude that the proposed language is too ambiguous and that existing standards provide sufficient protection while balancing neighboring interests with lawful property rights.

Motion by Shanafelt to recommend approval of Zoning Ordinance Amendment #210 to the Township Board with the changes discussed, seconded by Alexander. Motion Passes 5-1 with Eckstein opposed.

e. Draft Zoning Ordinance – Introduction: Articles 7, 8, 5, 9

Schroeder/PC begins detailed review of the draft zoning ordinance rewrite with Articles 5 and 7. McKenna explains that the draft builds on the unfinished 2017–2019 rewrite, incorporates current and subsequently adopted ordinance language, retains some unadopted 2019 language, and adds work completed by the Rewrite Subcommittee. PC will review each article before considering the ordinance as a comprehensive rewrite.

Article 5 – **Planned Developments and Site Condominiums**. Much of Article 5 reorganizes existing language. PC makes several editorial and clarification changes and agrees to revisit broader PUD density questions separately. Site-condominium language is clarified to require compliance with applicable land-division and minimum-lot standards and to tie Township Board approval or denial to ordinance requirements. Staff will also consult the Township engineer/surveyor regarding whether a 2019 requirement for permanent survey monuments should remain.

Article 7 – **Supplemental Regulations**. PC identifies accessory-building language that conflicts with the proposed ADU regulations and directs that it be corrected. Staff will also refine language regarding nonhabitable accessory storage structures on waterfront portions of split-road parcels to ensure compliance with shoreline, setback, and lot-coverage requirements.

PC reviews additional supplemental regulations, with the primary discussion focusing on fencing. Rather than revise fencing policy as part of the current rewrite, PC directs staff to retain existing language, reconcile cross-references and shoreline inconsistencies, and revisit fencing separately at a later date. Swimming-pool fencing requirements are retained for safety, and PC supports allowing temporary residential occupancy of a trailer or similar unit during construction of a principal dwelling for a limited period, subject to extensions based on construction progress. Review concludes after Article 7 due to the late hour. Articles 8 and 9 are deferred to September 14, with Articles 3, 4, and 6 to follow as time permits. Commissioners are encouraged to submit minor editorial corrections to staff in advance.

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10. Reports & Updates - Verbal

a. Agricultural Advisory Committee (AAC) - (Beard)

Beard reports that the AAC discussed steep slopes, tree clearing, and a proposed agricultural ordinance submitted by the Citizens Coalition of Old Mission Peninsula. PC discusses whether the Committee should reconcile that proposal with its prior recommendations or simply consider it as additional input. Staff notes that outside parties may also formally request a zoning ordinance amendment and that any further work must avoid subjects implicated in pending litigation. Commissioners also express concern about misunderstandings surrounding the zoning process and reiterate that the PC retains responsibility for reviewing and recommending zoning regulations.

b. Township Board (Alexander)

Alexander includes acknowledgment of a recent community tragedy, condolences to the affected families, appreciation for first responders, and a call for community support.

c. Non-Motorized Plan (Shipman):

None

11. Brief Public Comments: none

12. Other Matters or Comments by Planning Commission Members

Discussion: PC revisits concerns raised by the AAC regarding potential steep-slope regulations. Commissioners emphasize that no draft regulations or slope threshold have yet been established and that prior discussion has not contemplated regulating legitimate agricultural activity. Members cite erosion and landslide concerns as reasons to continue exploring reasonable steep-slope protections, particularly for properties downhill from development. Staff notes that the County's 20-percent grade threshold for soil-erosion permitting has sometimes been misunderstood as a proposed Township zoning standard, which it is not. Staff also reports that updated ordinance pages reflecting recently adopted amendments, including the shoreline amendment, are being prepared for the Township code books.

13. Adjournment

Motion by Hornberger to adjourn, seconded by Alexander. **Motion Passes**

Meeting adjourned at 10:43 p.m.

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Correspondence

Planning & Zoning Administrator

From: Eikon <eikond@gmail.com>
Sent: Wednesday, September 23, 2026 8:45 PM
To: Planning & Zoning Administrator
Subject: Fwd: Feedback regarding ADU regulations

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear planning staff,
Would you please include the email below in the correspondence package for the upcoming 9/28 planning committee meeting? This is a very important topic to me, however I am unable to be present that day.

Thank you so much!

Peninsula Township Planning committee,

My wife Caryn and I own a lot on Smokey Hollow that is currently undeveloped (and not yet numbered).

I wrote an email a month ago, prior to the 8/24 meeting. I greatly appreciated that you read my letter and considered my input. I hope you will again this time.

I was so encouraged by the 8/24 meeting discussion and felt that the committee was on the right track with the ADU regulations. Then in the 9/14 meeting things took a terrible turn and completely derailed when it was suggested that all ADU's should be limited to "attached" only. Detached ADU's are a better option for most people. The fears that were presented about using deteached ADUs as short term rentals (STR) are unfounded. By restricting ADUs to ONLY "attached" would be highly unfair to township residents.

Detached should be allowed!

- **An attached ADU is really just an addition to your existing home.** Provided it meets existing township setback, lot coverage and height requirements---it's already allowed. Passing a regulation to allow attached ADU's does nothing.

- A detached ADU provides significantly more privacy and the feeling of independence. For seniors, the idea of "aging in place" and still being able to live somewhat independently is highly desirable and more achiveable with a detached unit. Mandating that space be attached to the existing residence with shared walls creates noise and privacy concerns, as well as close proximity which severely infringes on the entire concept. This is even more true for those young adult children who want to live in their own space but cannot yet afford to buy their own property (especially in this township). A detached ADU (ie. an apartment beside or above a detached garage) is considerably more private, independant and desirable for most.

- Detached are more practical and usually much less expensive than an addition to the primary. Detached ADU's are more cost effective if done in the form of a carriage house (for example) with the apartment being above or beside a detached garage. Building vertically over an existing structure on an existing foundation is much less expensive. This is especially true if the ADU is part of the original design before being built. Primary home additions are often unattractive and highly negative design elements. Also, please note that frequent mention of seniors being unable to live on a 2nd floor due to mobility issues are easily mitigated by affordable stairway chair lifts.

Don't restrict ADU's over STR complaints when clear existing rules and regulations are already in place!

I'm assuming the terrible change in direction in the last meeting was prompted by complaints about potential short term rental abuse. To be clear, I am NOT in favor of allowing ADU's to be used as short term rentals but I want to explain why restricting ADU's to "attached" only, due to fear or concern, would be a big mistake. Even if a property owner chooses to violate a township ordinanance, it would not likely cause a nuisance.

- There would not be noise complaints. By far, the biggest complaint about short term rentals are the noise and nuisance complaints that stem from renters having parties or being unruly while no property owner is nearby to watch over. In the case of a detached ADU, the property owner is not just "right next door" but in most cases within ~25 or less feet. If a property owner was breaking the law by hosting STR's they would obviously be exceedingly careful to stop any loud or unruly actions and thus would not be a risk of causing complaints.

- There would not be large groups. Most noise and/or nuisance complaints happen when STR's are rented by larger groups of people, which requires a sizable residence with MULTIPLE bedrooms. Most ADU's are very small dwellings and normally have only 1 bedroom. In fact the current proposed language is limited to 800 square feet, which confirms the restriction to a very small residence. These detached ADU's simply could not accomodate a large group of people and are thus not a risk of causing the typical STR complaints.

-The township already has rules against STR's, methods of detecting them, pathways to enforcing and severe penalties for being caught. Please stop over-regulating and infringing on what could be a huge

benefit to the quality of life for older and younger township residents because of an unfounded fear of something we already have rules against.

Please allow ADU's to be detached OR attached and give the township residents the chance to improve the lives of their family members who want to age in place and/or cannot afford the high cost of living.

Thank you so much for your attention.

Seth Blackman

Operations Analyst – Cost Estimating

PM –*Autonomous Robotic Capabilities(ARC)*

Capability Program Executive (CPE) Mission Autonomy (MA)

United States Army

920-819-2271 (mobile)

6501 E 11 Mile Rd.

Detroit Arsenal, MI 48397-5000

Accessory Dwelling Unit Amendment

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, ADUs 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. ADUs are intended to support families of multiple generations and the ability to care for loved ones at all stages of life as well as encourage aging-in-place. Therefore, Accessory Dwelling Units meeting the standards of this section are considered appropriate and approvable

(B) General Standards

(1) ADUs shall be attached and constructed as an integral part of the principal dwelling unit. They shall provide direct access into the principal dwelling and may contain a separate exterior entrance.

(2) Minimum ADU Size shall be 300 square feet

(3) Maximum ADU Size shall be 800 square feet.

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

(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.

(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.

(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.

(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.

Section 6.01 Accessory Dwelling Units

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(B) General Standards

(1) ADUs shall be attached and constructed as an integral part of the principal dwelling unit. They shall provide direct access into the principal dwelling and may contain a separate exterior entrance.

~~(1)~~ Minimum ADU Size ~~:~~shall be 300 square feet

~~b. Attached ADUs must be at least 300 square feet~~

~~c.~~(2) ~~Detached ADUs must be at least 600 square feet unless located within an existing structure.~~

~~(2)~~ Maximum ADU Size~~:~~ shall be

~~a.~~(3) ~~ADUs shall not exceed~~ 800 square feet.

~~. 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.~~

~~(4) 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 10 feet from 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)~~ Connection to Sanitary/Septic Facilities. An ADU shall be connected to potable water and sanitary/septic facilities in compliance with the County Health Department.

(7)

~~(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.

Zoning Map

Sources: Michigan Open Data Portal, Peninsula Township

1 Miles

Beckett & Raeder, Inc.

The lines of this map are representational of the actual Township boundary and parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area discrepancies. Consult official Peninsula Township records for precise distances, boundaries and areas. This map represents zoning districts and boundaries in place at the time of the effective date of this map and is a digitization of the official paper zoning map located in the planning office. For current zoning information, please contact the Peninsula Township Zoning Administrator, zoning@peninsulatownship.com / 231.223.7318.

- Township or City Boundary
- Parcel Boundary
- State Road
- Local Road
- A-1 Agricultural
- R-1A Rural and Hillside Residential
- R-1B Coastal Zone Residential
- R-1C Suburban Residential Development
- R-1D Community Residential
- C-1 Commercial
- Airport Overlay District

Publish Date: January 21, 2026

DRAFT

Peninsula Township

Zoning Ordinance

DRAFT DATED: August 13, 2026

Guide to Highlighting:

Text from Pre-2019 Zoning Ordinance

Amendments adopted since 2019

- Amendment 201 – Farm Processing
- Amendment 202 – Zoning Moratorium (not included, no longer in effect)
- Amendment 203 – Farm Stands
- Amendment 204 – Building Height
- Amendment 205 – Hotel, Motel, Tourist Courts
- Amendment 206 – Shoreline

Draft text created in 2019 but not adopted

Revisions and amendments made during 2026 update process

- Amendment 208 – Signage
- Amendment 209 – Short-Term Rentals
- Amendment 210 – Special Use Processing
- Amendment 211 – Chickens
- Amendment 212 – Accessory Dwelling Units
- Amendment 213 – Lighting
- Other Revisions for Ongoing Consideration by the Planning Commission

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)

(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 Article 2, Definitions, shall require a Special Use Permit in accordance with.

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.

(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.

Article 1 Title, Purpose, and Scope

Section 1.01 Preamble (currently Preamble and Introductory Paragraph)

This Ordinance establishes comprehensive zoning regulations , in accordance with the provisions of the Michigan Zoning Enabling Act (MCL 125.3101 et. seq.) as amended. This Ordinance shall be known and cited as the Peninsula Township Zoning Ordinance, the "Zoning Ordinance" or "this Ordinance."

The Peninsula Township Zoning Ordinance is amended as follows:

Section 1.02 Short Title (currently Article 1)

This Ordinance shall be known as "Peninsula Township Zoning Ordinance," "Zoning Ordinance," or "this Ordinance."

Section 1.03 Purpose (currently Section 2.1)

The purposes of this Ordinance are as follows:

- **(A)** Implement the recommendations of the Peninsula Township Master Plan;
- **(B)** To protect the public health, safety, and general welfare of the inhabitants of the Township;
- **(C)** Provide for adequate light, air and convenience of access to secure safety from fire and other dangers;
- **(D)** Avoid undue concentration of population by regulating minimum open spaces and by regulating and limiting types and locations of buildings, and regulating the location of trades, industries, and buildings designated for specific uses;
- **(E)** Provide for the orderly development of the Township, recognizing the limited capacity of roads and infrastructure;
- **(F)** Encourage the use of lands and resources of the Township in accordance with their character and adaptability;
- **(G)** Provide for safety in traffic, adequacy of parking and reduce hazards to life and property;
- **(H)** Facilitate the development of adequate systems of fire protection, education, recreation, water supplies and sanitary facilities;
- **(I)** Conserve life, property, natural resources (including wetlands, forested steep slopes, and ridge lines) and the use of public funds for public services and improvements to conform with the most advantageous use of lands, resources and properties;
- **(J)** Protect the quality of the shoreline, flood plains, and other environmentally sensitive areas;
- **(K)** Preserve and protect productive agricultural land;
- **(L)** Protect the scenic viewsheds to the greatest extent practical;
- **(M)** Provide for the administration and enforcement of this Ordinance;
- **(N)** Protect and enhance the natural environment and promote sustainable building and site design; and
- **(O)** Preserve and improve the capacity and safety of the existing road system.

Section 1.04 Scope (currently opening paragraph of Section 6.1.4)

Buildings, structures, or parcels of land, or part thereof, shall not be erected, constructed, reconstructed or altered and a new use or change in use shall not be implemented, except as permitted by the provisions of this Ordinance and all applicable codes and State and Federal laws.

Section 1.05 Conflicting Regulations (currently Sections 2.2 and 4.2.2, with 2026 revisions)

This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of law or ordinance, except as specifically repealed, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant or deed. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, structure or parcel of land is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this or any other Ordinance or by State or Federal laws, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

Where any graphic or table of this Ordinance conflicts with the text of this Ordinance, the text shall govern.

This Ordinance is not intended to interfere with, modify, or annul any easement, covenant, or other private agreements between parties, except that easements, covenants, and other private agreement shall be governed by the provisions of this Ordinance.

It is expressly declared that nothing in this Ordinance shall be construed or interpreted to give rise to any permanent vested rights in the continuation of any particular use, district or zoning classification, or any permissible activities, except where an applicant has commenced excavation or construction pursuant to a valid building permit and site plan approval, if required, which has resulted in a tangible change in the land. Otherwise, the continuation of any particular use, district or zoning classification, or any permissible activities are declared to be subject to subsequent amendment, change, or modification as may be necessary to preserve and protect public health, safety and welfare.

Section 1.06 Severability (currently Article 10)

If any clause, sentence, sub-sentence, paragraph, section, or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, the judgement shall not affect, impair or invalidate the remainder, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part directly involved in the controversy in which the judgement shall have been rendered.

Section 1.07 Effective Date (currently Article 12)

The Peninsula Township Zoning Ordinance and any amendments shall take effect pursuant to *Section 13.07* and Public Act 110 of 2006, as amended, upon passage by the Township Board.

Article 11 Nonconformities

Section 11.01 Intent and Purpose (currently Section 7.5.1)

It is the intent of this Ordinance to allow the continued use of a nonconforming structure and nonconforming uses and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

Section 11.02 Definition of "Effective Date" (2026 Revision)

For the purposes of this Article, the term "Effective Date" shall mean *INSERT EFFECTIVE DATE AS DESIGNATED BY TOWNSHIP BOARD AT ADOPTION.*

Section 11.03 Nonconforming Parcels (2019 SECTION)

(A) Notwithstanding limitations imposed by other provision of this Ordinance, a principal building and customary accessory buildings may be erected on a parcel. This provision shall apply even though such parcel fails to meet the requirements for area or width or both, that are generally applicable in the district; provided that yard setbacks and lot coverage and other requirements not involving area, width, or both, of the parcel shall conform to the regulations for the district in which the parcel is located.

(B) The Zoning Board of Appeals may authorize the use of a lot in the Agricultural District of less than 5 acres where a farmhouse or tenant house existed as part of a farm operation and subsequently through consolidation of farms or other actions is no longer necessary as a farm-related residence, provided that the following standards are met:

(1) The lands immediately surrounding the residence are agricultural lands as shown on the Agricultural Preservation Map adopted by the Planning Commission as an amendment to the Township Master Plan; and

(2) The lands immediately surrounding the residence continue to be actively farmed along with the balance of the farm; and

(3) The minimum lot size is not less than 1 acre with a lot width not less than 210 feet; and

(4) The density on the remaining farmland is reduced by one dwelling unit through a recorded deed restriction; and

(5) It can be demonstrated that no farmland would be lost from production should the smaller lot be allowed.

Section 11.04 Nonconforming Uses (currently part of Section 7.5.1 and Section 7.5.2)

At the discretion of the owner, the lawful use of any building, structure, land or premises may be continued although the use does not conform to the provisions of this Ordinance. However, the legal nonconforming use of any building or land shall not be extended, expanded, or moved.

Whenever the nonconforming use of any structure or land is changed in whole or in part to a conforming use, such use shall not thereafter be reverted to any nonconforming use. If the nonconforming use of any building, structure or land is discontinued through vacancy, lack of operation, or otherwise for a continuous period of 12 months, then any future use of the building, structure, or land shall conform, in its entirety, to the provisions of this Ordinance. The Zoning Board of Appeals may, upon application within 6 months of the termination of the 12-month period, permit the resumption of such nonconforming use.

Section 11.05 Nonconforming Structures (currently Sections 7.5.3 – 7.5.6)

(A) Reconstruction of Damaged Nonconforming Structures (currently Section 7.5.3). Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the effective date of this Ordinance. The approval of the Zoning Administrator must be obtained through a determination that the structure to be reconstructed, repaired, or restored will be substantially the same as the previous nonconforming structure or building. The Zoning Administrator shall only approve reconstruction, repair, or restoration if the reconstruction, repair, or restoration shall not be detrimental to the health, safety and welfare and that substantial justice is achieved.

(B) Repair and Alteration of Nonconforming Structures (currently Section 7.5.4). Nothing in this Ordinance shall prevent the repair, alteration, reinforcement, improvement, or rehabilitation of a nonconforming building or structure or part thereof existing at the effective date of this Ordinance that may be necessary to secure or ensure the continued advantageous use of the building or structure. The repair, alteration, reinforcement, improvement, or rehabilitation proposes no change in the use of the building or structure or any part which results in an expansion of any nonconformity.

(C) Additions to Nonconforming Structures (currently Section 7.5.5). The Zoning Administrator shall issue a land use permit for an addition to a lawful nonconforming structure provided all of the following are met:

(1) The addition is not located in any required yard or Ordinary High Water Mark setback; and

(2) In addition to the above yard and Ordinary High Water Mark setback requirements, all other applicable dimensional requirements on the subject parcel shall be satisfied (other than what is lawfully non-conforming).

(D) Moving or Replacing Nonconforming Structures (currently Section 7.5.6). If the moving or replacing of a nonconforming structure will result in the structure becoming conforming with all setback, coverage, area, and height standards of this Ordinance, the Zoning Administrator may approve the moving or replacing of the structure. The Township Zoning Board of Appeals may grant a variance for moving or replacing a nonconforming structure so that the continued intensity of conforming use of the lot is substantially the same as in the pre-existing structure, provided all of the requirements *Section 13.06(C)(2)* are met.

Section 11.06 Zoning District Changes (currently Section 7.5.7)

Whenever the boundaries of a District shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses or structures that become nonconforming as a result of boundary changes.

Article 12 Administrative Organization

Section 12.01 Zoning Administrator (currently Sections 4.1.1 and 4.1.2)

(A) Description. A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board; provided that the Zoning Administrator shall not be a member of the Township Board, the Planning Commission, or the Zoning Board of Appeals. The Zoning Administrator, and his/her assistants or deputies, shall perform such duties as the Township Board may prescribe, in addition to any duties prescribed in this Ordinance. The Zoning Administrator shall be capable of fulfilling the duties set forth in this Ordinance. In case the Zoning Administrator has a conflict of interest in the administration or enforcement of this Ordinance, the Township Board shall designate some other person to carry out the duties for which the Zoning Administrator has a conflict of interest. Compensation for the Zoning Administrator shall be established by the Township Board.

(B) Duties. It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny the same; to inspect buildings or structures; to determine compliance with the land use permits issued in compliance with this Ordinance; and to be in charge of the enforcement of this Ordinance. The Zoning Administrator and the Township's Ordinance Enforcement Officer, appointed by the Township Board pursuant to the Ordinance, are hereby authorized to investigate ordinance violations; serve and issue notice of violations; serve and issue misdemeanor or civil infraction tickets as authorized under State law or Township ordinance; and appear in court or other judicial proceedings to assist in the prosecution of Zoning Ordinance violations.

Section 12.02 Township Board (2019 SECTION)

(A) Adoption of Zoning Ordinance and Amendments. In accordance with the intent and purposes of this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, as well as adopt amendments to this Ordinance.

(B) Deciding on Special Land Use Applications. The Township Board shall review and decide on special land use applications pursuant to *Section 13.05*.

(C) Approval of Planning Commission Members. In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Supervisor with the approval of the Township Board.

(D) Approval of Zoning Board of Appeals Members. In accordance with the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed and approved by the Township Board.

(E) Setting of Fees. The Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

Section 12.03 Planning Commission (2019 SECTION)

(A) In General. The Planning Commission is designated as the commission specified in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and shall perform the duties of such commission as provided in the statute and Peninsula Township Ordinance No. 42, as amended.

(B) Zoning Commission. The Planning Commission is hereby designated as the succeeding body of the Zoning Commission specified in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute and Peninsula Township Ordinance No. 42, as amended.

(C) Ordinance to Create Township Planning Commission (Peninsula Township Ordinance No. 42, as amended). Peninsula Township Ordinance 42, as amended, creates the Township Planning Commission and includes provisions for: membership; appointment; compensation; terms; removal; vacancy; organization; officers; committees; meetings; rules; records; powers; duties; and conflict of interest.

Section 12.04 Zoning Board of Appeals (currently Sections 5.1, 5.2, part of 5.3, and 5.7)

(A) Establishment. There is hereby established a Zoning Board of Appeals in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by the Act, as amended, and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety and welfare of the public be secured; and that substantial justice be secured.

(B) Membership. There shall be a Zoning Board of Appeals which shall consist of 5 members and 2 alternate members appointed by the Township Board. The first member of the Zoning Board of Appeals shall be a member of the Planning Commission. One member may be a member of the Township Board, but shall not serve as chairperson of the Zoning Board of Appeals. The remaining members of the Zoning Board of Appeals shall be selected from the Electors of the township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

(C) Terms. The term of each member and alternates shall be for 3 years, except that of the members first appointed, 2 shall serve for 2 years and the remaining members for 3 years. The terms of members serving because of their membership in the Planning Commission or Township Board shall be limited to the time they are members of the Planning Commission or Township Board, respectively. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

(D) Compensation. The total amount allowed the Zoning Board of Appeals in any 1 year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the Township Board.

(E) Removal. Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

(F) Conflicts of Interest. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misfeasance or malfeasance in office.

(G) Voting. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance.

(H) Meetings and Powers. Meeting of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.

(I) Duties; Rules; Hearing and Decision of Appeals; Right to and Grounds of Appeal. The Zoning Board of Appeals shall have the following specified powers and duties, and may fix rules and regulations to govern its procedures:

(1) **Interpretation of Zoning Ordinance.** The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the Zoning Maps. See *Section 13.06(C)(3)*.

(2) **Administrative Appeals.** The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by the administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County or State. The grounds of every determination shall be stated. See *Section 13.06(C)(1)*.

(3) **Variances.** The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Ordinance or to any other nonuse-related standard in this Ordinance. See *Section 13.06(C)(2)*.

(4) **Classifying Uses Not Specifically Mentioned.** Pursuant to *Section 13.06(C)(4)*, the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted, special, or prohibited use for the purpose of clarifying the use regulations in any district.

(J) Limited Duties and Powers. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, grant variances from uses of land, nor to make any change in the terms or intent of this Ordinance, but does have power to act on those matters stated in *Section 12.04(I)*. No appeal shall be taken to the Zoning Board of Appeals from a decision of the Planning Commission and/or the Township Board in connection with a special land use.

Article 13 Administrative Procedures

Section 13.01 Fees

The fees for all applications (permits, site plans, special land uses, variances, appeals, etc.) or other zoning-related services shall be established by the Township Board. If the Township determines that the fees will not cover the Township's cost to review an application or provide a zoning-related service, including the costs incurred by the Township to engage the services of qualified professional planners, engineers, attorneys, or other professionals to review an application or provide a zoning-related service, the applicant shall deposit with the Township Treasurer such additional fees in an amount equal to the additional costs as estimated by the Director of Planning or Zoning Administrator (see *Section 13.02*).

Section 13.02 Escrow (currently Section 4.3)

If the Director of Planning or Zoning Administrator, or any Township Commission or Board determines that the fees will not cover the costs of the application review, then the applicant will deposit with the Township Treasurer additional fees in an escrow account. The additional fees will be an amount equal to the costs as estimated by the Director of Planning or the Zoning Administrator. The additional fees may include the review of the application, Zoning Board of Appeals review, services provided by qualified professional planners, engineers, attorneys, other professionals, or other Township costs related to the project.

The additional fees will be held in escrow in the applicant's name and will be used solely to pay these additional costs. If the amount held in escrow becomes less than twenty percent (20%) of the initial escrow deposit and review of the application or decision on the appeal is not completed, then the Director of Planning or Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount equal to the costs as estimated to complete the review or decide the appeal.

Failure of the applicant to make any required escrow deposit under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal.

Any development or construction on a property with an existing escrow for services directly related to the oversight of the project that allows an escrow to become deficient in monies may be issued a Cease and Desist order until the escrow is replenished to an amount which is satisfactory to the cover the cost associated with the expenditures paid by the Township Treasurer.

Any cost incurred by the Township in addition to the amount held in escrow will be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Any unexpended funds held in escrow will be returned to the applicant following final action on the application or the final decision on the appeal.

Section 13.03 Permits

(A) Land Use Permits (currently Section 4.1.3).

(1) **General.** Any individual, corporation, association, officer, department, board, or bureau, including Federal, State, County, or Township governmental entities, planning to erect, change, or move a structure or to establish a new use for any premises in any land use district, shall file an application in writing with the Zoning Administrator for a land use permit. The Zoning Administrator shall issue a "Land Use Permit" if such planned building, structure, mobile home, or land use is in compliance with the provisions of this Ordinance. The application shall be on a form prescribed by the Zoning Administrator and approved by the Township Board. The applicant shall furnish permits or approvals from the Grand Traverse County Health Department, the Grand Traverse County Road Commission, the Michigan Department of Environmental Quality, and the Soil Erosion and Sedimentation Control office, and any other agency which requires a permit, and plans which will meet the requirements of the Zoning Ordinance before the Zoning Administrator may issue a permit. Each land use permit shall be issued in duplicate and the copies shall be distributed as follows: 1 to the applicant to be retained until final approval has been granted; and 1 to be retained by the Zoning Administrator as a part of the permanent records of the Township. The Zoning Administrator shall promptly inform the applicant of the decision concerning the "Land Use Permit."

(2) **Evidence of Ownership.** All applications for permits under the provisions of this Ordinance shall be accompanied with evidence of ownership of all property affected by the coverage of the permit or written, signed authorization from the property owner(s).

(3) **Property Boundaries.** The Zoning Administrator may require property boundaries to be located and staked by a registered land surveyor. In the case of properties located along a shoreline, if there is any question of location of the "Ordinary High Water Mark," the Zoning Administrator shall require this level to be set and staked by a registered land surveyor.

(4) **Voiding of Permit.** Any permit granted under this section shall become null and void after 1 year from the date of granting such permit unless the development proposed shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice by mail to the applicant at the address indicated on the permit application.

(5) **Inspection.** The development or usage proposed by a land use permit shall be subject to 2 inspections: the first prior to the issuance of a building permit, and the second when the building is completed. The Zoning Administrator may require additional inspections, such as an inspection of the excavated footings and foundations before concrete is poured. It shall be the duty of the permit holder to notify the Zoning Administrator regarding the time that construction will be ready for inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before occupancy may be permitted.

(B) Fees (currently Section 4.1.4). See *Section 13.01*.

(C) Completion (currently Section 6.2.6). Any dwelling, accessory building or addition must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within 2 years from date of issuance of the land permit and prior to its occupancy.

(D) Prior Building Permits (currently Section 7.1.1). Any building permit issued prior to the effective date of this Ordinance shall be valid, in accordance with its terms, even though not conforming to provisions of this Ordinance, provided that construction is commenced within 12 months after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within 18 months after issuance of building permit.

(E) Uses for While a Land Use Permit is Not Required.

(1) Home Occupations (see *Section 6.14*).

Section 13.04 Site Plan Review

(A) Uses Requiring Site Plan Review (2019 SECTION with 2026 Revisions). In the case of minor projects such as remodeling or re-occupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide an administrative review by Township staff in lieu of a more formal review by the Planning Commission and Township Board. Administrative review procedures are not intended to modify any Ordinance, regulation, or development standard. The type of review is based on the development activity, as follows:

Development Activity	Site Plan Review	Administrative Review
(1) All uses except single-family and two-family residences in the R-1A, R-1B, R-1C, and R-1D zoning districts, and their customary permitted and accessory uses.	✓	
(2) All uses except single-family and two-family residences in the A-1 zoning district, and their customary permitted and accessory uses and farm buildings and operations.	✓	
(3) All uses in the C-1 Zoning District	✓	
(4) Any use or development involving a special land use	✓	
(5) Re-occupancy of a building, provided all of the following are true: • No variances to the Ordinance are required; • Such use is conducted within a completely enclosed building; • Re occupancy does not create additional parking demands; and • Re occupancy does not substantially alter the character of the site.		✓
(6) Remodeling or construction of an addition to an existing building or use, provided all of the following are true: • No variances to the Ordinance are required; and • The proposed new construction would be interior only and would not increase the total square footage of the building.		✓
(7) Co-location of Wireless Communication Facilities (see *Section 6.37*)		✓
(8) Wireless Communication Facilities or replacement of an existing wireless communication support structure (see *Section 6.37*)	✓	
(9) Land divisions, plats, or site condominiums creating four or fewer parcels or condominium sites.		✓
(10) Land divisions, plats, or site condominiums creating five or more parcels or condominium sites.	✓	

(B) Required Information (currently part of Section 6.9.4.1, Section 6.9.4.2, Section 7.14.4, Section 8.4.6, and Section 8.7.3(4) (b) and (c)). The information in the following table shall be required for all applications for site plan review. The Zoning Administrator, Planning Commission, or Township Board reserves the right to exempt any information which is, at their discretion, not relevant to a particular site.

Required Information	
(1)	**Site Plan Drawing Information**
(a)	Copies of site plan drawing on 24-inch x 36-inch paper
(b)	Scale of no less than 1 inch to 100 feet
(c)	Map of the entire site and any future phases of development
(d)	Location map showing the site in context with the surrounding area
(e)	Date of most recent revisions
(f)	North arrow
(g)	Contours at 5-foot intervals where slope greater than 10 percent, or
(h)	Contours at 2-foot intervals where slope is 10 percent or less
(2)	**Application Information**
(a)	Name of project or development
(b)	Name and contact information of property owner
(c)	Name and contact information of the applicant, including the applicant's interest in the development
(d)	Name and contact information of person preparing site plan
(e)	Project location including address and Township and County names
(f)	Legal description of the property matching the survey
(g)	Copies of documents including covenants, by-laws, and master deeds
(3)	**Planning and Site Improvement Information**
(a)	Description of existing land use and zoning of the site
(b)	Area and dimensions of site
(c)	Location, type, dimensions, and use of all existing and proposed structures
(d)	Lot lines and number of units
(e)	Elevation plans, floor plans, and building materials for all proposed structures
(f)	Existing land use, zoning, and property owners of adjacent lots
(g)	Description of intended land use
(h)	Description and location of any areas intended for public use
(i)	Right-of-way easements, showing location, width, and purpose
(j)	Locations, descriptions, and cut sheets of all illuminating devices, fixtures, lamps, supports, and reflectors
(k)	A photometric plan superimposed on the site plan
(l)	Location, size, and surface materials for all paved areas on the site
(m)	Proposed interior vehicular and pedestrian circulation patterns
(n)	A statement of deed restrictions
(4)	**Engineering Information**
(a)	Copies of engineering plans and specifications on 24-inch x 36-inch paper
(b)	Location of water and sewer lines and riser pipes
(c)	Plans/specifications of water supply, sewage disposal and refuse facilities
(d)	Locations and details of lighting, electric, and gas systems

Required Information	
(e)	Proposed and existing storm sewers, sanitary sewers, and water mains
(5) Environmental Information	
(a)	Locations and information for all wetlands on the property. The Township may require a formal determination by the Michigan Department of Environmental Quality
(b)	Locations and information of existing natural features and soil types
(c)	The location and types of all significant existing vegetation, water courses and bodies, flood plains, and water retention areas
(d)	Location of all drainage easements that comply with the requirements of the Peninsula Township Storm Water Control Ordinance.
(e)	Details on solid waste removal including dumpster and screening methods
(f)	A landscape plan that meets the requirements of *Section 8.08*
(6) Other Information	
(a)	In instances where a site plan involves proposed construction of a structure greater than 5,000 square feet in total floor area (excluding those structures used exclusively for agricultural purposes, or single-family residences), the applicant may be required to provide ground level renderings and three-dimensional graphics with oblique angles that illustrate the proposed building on the site. Submitted material may utilize digital design programs acceptable to the Township and shall provide sufficient detail to convey an understanding of proposed building design, building mass, scale, vehicular/pedestrian circulation and relationships between the development of the site and surrounding property.
(b)	Any other information deemed necessary by the Zoning Administrator, Planning Commission, or Township Board.

(C) Site Plan Review Procedures (currently part of Section 6.9.5.3).

(1) The Planning Commission shall review the site plan and the reports of the County Road Commission, the County Drain Commissioner/Soil Erosion Officer, County Health Department, and County Planning Commission, Township Engineer, and Planning Director.

(2) If following the review of the site plan prescribed above, the Planning Commission determines that the proposed site plan meets all requirements of this Ordinance, the Planning Commission shall make a recommendation to the Township Board to approve the site plan. If the Township Board determines that the proposed site plan meets all requirements of this Ordinance, the Township Board shall approve the site plan. The Township Board may apply conditions to ensure the requirements of this Ordinance are met.

(3) If the site plan does not meet all of the requirements of this Ordinance, the Planning Commission shall make a recommendation to the Township Board to deny the site plan. If the Township Board determines that the proposed site plan does not meet all of the requirements of this Ordinance, the Township Board shall deny the site plan. The Planning Commission and Township Board shall state their reason(s) for denial in their official minutes.

(D) Duration of Approval (currently Section 6.9.6.2). Approval of the site plan by the Zoning Administrator or Township Board, as applicable in *Section 13.04(A)*, shall be for a period of 1 year from the date of its approval. Within the 1 year approval period, construction shall commence and the applicant shall make progress toward completion in accordance with the approved schedule and permit. The Zoning Administrator or Township Board, as applicable in *Section 13.04(A)*, may extend the 1 year period if applied for and granted in writing but only concerning its own requirements.

(E) Performance Guarantees (2019 SECTION). After approval of a site plan, but before construction, a performance guarantee shall be posted in accordance with *Section 13.09*.

(F) Revocation (2019 SECTION).

(1) If substantial development and completion of the use and buildings does not proceed in conformance with the site plan approval, or if physical or operational changes violate the order, application, or data accompanying the application, the Township shall have full authority to revoke the site plan approval.

(2) The following are grounds for revocation of a site plan approval:

(a) The failure to comply with any condition of site plan approval.

(b) The intentional provision of misleading information by the applicant (the provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence).

(3) The Zoning Administrator or Code Enforcement Officer shall investigate alleged violations and determine whether to determine whether the development is proceeding in conformance with the site plan approval.

(4) Upon discovery of an alleged violation, the Zoning Administrator of Code Enforcement Officer may issue a stop work order.

(5) The Zoning Administrator or Township Board, as applicable in *Section 13.04(A)*, shall have the authority to revoke any site plan approval when, after reasonable warning, the operator of any use permitted under this Section fails to comply with any of the site plan requirements stipulated.

(6) The Zoning Administrator or Township Board, as applicable in *Section 13.04(A)*, may require additional conditions and safeguards to prevent injury or damage to adjoining properties which may impair public health, welfare or safety.

Section 13.05 Special Land Use Review (2026 REVISED SECTION)

(A) Intent and Purpose. This section establishes a process and standards to approve certain uses of land or structures that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the proposed use is consistent with the Master Plan and complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

(B) Permit Procedures. An application for a special use permit for any land or structure use permitted under this Article shall be submitted and processed under the following procedures:

(1) Submission of Application: Any application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.

(2) Data Required: Every application shall be accompanied by the following information and data:

(a) The special form supplied by the Township Zoning Administrator filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of [INSERT REFERENCE].

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

(c) Preliminary plans and specifications of the proposed development.

(3) Township Board and Planning Commission Actions:

(a) The application along with all required data shall be transmitted to the Township Board for consideration after referral to the Planning Commission for review and recommendation to the Township Board.

(b) The Planning Commission shall hold a public hearing on the application, except in the case of a requested amendment to a previously approved SUP if the proposed amendment is determined to be “Minor” under the criteria listed in Section 8.1.4.

(c) Upon receipt of a recommendation from the Planning Commission, the Township Board shall publish in a newspaper having a general circulation in the Township, one (1) notice that a request for special land use approval has been received. The content of the notice shall:

(i) Describe the nature of the special land use request.

(ii) Indicate the property which is the subject of the special land use request.

(iii) State when and where the special land use request will be considered.

(iv) Indicate when and where written comments will be received concerning the request.

(v) Indicate that a public hearing on the special land use request may be requested by the property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special use.

(vi) Be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered.

(vii) Be delivered personally or by mail to:

a. The owners of property for which approval is being considered.

b. All persons to whom real property is assessed within three hundred (300) feet of the boundary in question.

c. The occupants of all structures within three hundred (300) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure; except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organization, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(d) A public hearing on a special land use request shall be held by the Township Board if:

(i) A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.

(ii) The decision on the special land use request is based on discretionary grounds.

(e) Notification of a public hearing on a special land use request must be made as required in this Section for a notice of a request for special land use approval.

(f) Final Approval & Conditions.

(i) Final approval by the Township Board shall be preceded by a finding and determination with respect to compliance with the regulations set forth in this Article.

(ii) Reasonable conditions may be required with the approval of a special use permit, planned unit development, or other land uses or activities permitted by discretionary decision to the extend authorized by law. Conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of Article 8 128 accommodating increased services and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(iii) Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purpose affected by the special use permit, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved special use permit. (REVISED BY AMENDMENT 96A)

(g) Phasing.

(i) Where a project is proposed for development in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.

(ii) The Township Board shall approve the final project for one phase at a time. (ADDED BY AMENDMENT 96C)

(h) Commencement and Completion.

(i) For special use permits not involving construction, a land use permit for the use shall be acquired within one year following final approval of the special use permit, or within one year of the schedule established for the project in the approved special use permit whichever is later. If a land use permit is not received within such time, any approval of the special use shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period.

(ii) For special use permits involving construction, such construction shall be commenced within one year following final approval of the special use permit,

or within one year of the schedule established for the project in the approved special use permit whichever is later.

(iii) Each phase of the project shall be commenced within one year of the schedule established for the project phase in the approved special use permit. For special use permits involving construction, if such construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period.

(iv) An occupancy permit shall be received within one year of approval of a land use permit for any construction authorized by special use permit. If an occupancy permit is not received within such time, any approval of the final plan for the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period.

(v) In the event a final plan has expired, a new application shall be required, and shall be reviewed in light of the then existing and applicable law and ordinance provisions. (ADDED BY AMENDMENT 96C)

(i) Effect of Approval. If and when approved, the special use permit, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. (ADDED BY AMENDMENT 96C)

(C) Basis for Determinations. Before making recommendation on a special use permit application to the Township Board, the Planning Commission shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, are satisfied.

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

(a) Be consistent with the Township Master Plan.

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

(c) Be a substantial improvement to property in the immediate vicinity and to the community as a whole, as determined based on the following standards.

(i) The proposed Special Use shall contribute positively to the Township's rural, agricultural, and natural character. This standard shall not be understood to

restrict commercial operations, but shall be used to ensure that site design and business operations and consistent with the preservation of the Township's character.

(ii) The proposed Special Use shall be designed to protect the existing natural topography and natural resources, such as waterfronts, wetlands, woodlands, steep slopes, viewsheds, watersheds, and prime farmland, as well as existing landscaped plantings.

(iii) The proposed Special Use shall not negatively impact the operations of nearby and adjacent businesses and agricultural operations. This standard shall not be understood to promote the protection of any businesses financial interests over those of another business, but shall be used to ensure that operations of nearby land uses are compatible.

(iv) The proposed Special Use shall represent an upgrade the economic viability of the land in question, compared to the use of land present before the Special Use begins operations. In applying this standard, the Planning Commission shall compare the use to the existing use of land, not to hypothetical alternate proposals for new land uses. When applying this standard, the Planning Commission shall not deem agriculture to be an inherently more economically viable use than commercial development, but may determine that preserving the future viability of the land for agriculture is an important consideration when determining whether to approve a Special Use, or when applying conditions to an approval.

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

(e) Not adversely affect or be hazardous or disturbing to existing or future uses in the same general vicinity. Not materially diminish the privacy, safety, security, or enjoyment of any residential dwelling or residential neighborhood in the vicinity of the proposed use.

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

(g) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will adversely affect be detrimental to any persons, property, or the general welfare by dust, smoke, fumes, glare, or odors, excessive traffic, noise, vibration, visual clutter, or electrical or electromagnetic interference.

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

(D) Amendments to Special Use Permits. Applicants desiring to amend an approved SUP shall follow the permit procedures in Section 8.1.2, unless the amendment is considered minor as described in this Section. Once received, the Planner shall review the application and make a determination as to whether a proposed amendment constitutes a Major or Minor amendment to the original special use permit, based on the following process and criteria.

(1) Minor amendments. If the Planner determines an amendment is minor, based on the Criteria in Subsection 2, the proposed amendment shall be brought before the Planning Commission for their review and concurrence that the amendment is in fact minor. If the Planning Commission concurs that the amendment is "minor", then the Planning Commission may approve or reject the amendment at the same meeting. No public hearing or final approval by the Township Board shall be required.

(2) An amendment shall be considered minor only if all of the following are true:

(a) The amendment does not alter the use, site features, or physical layout of the site in a way that violates the applicable standards and requirements of this Ordinance.

(b) The amendment does not seek to alter any conditions imposed as part of the original approval.

(c) The amendment will have the same or lesser impact on neighboring properties, as compared to the originally approved design.

(d) The amendment will not increase the footprint or height of any existing or proposed building or structure.

(e) The amendment will not result in an increase in the number of parking spaces.

(f) The amendment will not result in a decrease in the quantity or quality of existing natural areas or landscape plantings.

(g) The amendment will not remove any land from active agricultural production, compared to the original approval.

(3) Any amendment not considered minor by the Planning Commission shall be considered major and shall be subject to the full approval process described Section 8.1.2. The Planning Commission and/or the Township Board may impose new conditions on the approval of a major amendment if such conditions are warranted. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the original approval.

Section 13.06 Variances and Appeals

(A) Right to and Grounds of Variance or Appeal (currently part of Section 5.3). Appeals and variance requests may be taken to the Zoning Board of Appeals pursuant to *Section 12.04(I)*.

(B) Appeal and Notice Requirements (currently Section 5.4, Section 5.5, and Section 5.6).

(1) **Time to Appeal and Transmission of Record.** Appeals of decisions of the Zoning Administrator or other officer must be made within 30 days by the filing with the Zoning Administrator or other officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall promptly transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

(2) **Stay of Proceedings Pending Appeal.** An appeal stays all proceedings. If the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeals has been filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, proceedings shall not be stayed except by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(3) **Hearings and Notices; Right to be Heard; Disposition of Appeals; Decision Final.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof in accordance with *Section 13.08*. Upon the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals shall make its decisions in accordance with this *Section 13.06* so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of the Zoning Board of Appeals shall be final, and any person aggrieved by a decision of the Zoning Board of Appeals shall have the right to appeal to the Circuit Court within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson.

(C) Standards of Review for Appeals and Variances.

(1) **Appeals (currently Section 5.7.1).** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance.

(2) **Variances (currently introductory paragraph and subsections (1) through (3) of Section 5.7.3, with 2019 revisions).** The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, provided all of the basic conditions listed herein, as well as any other applicable conditions, can be satisfied.

(a) Basic Conditions.

(i) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.

(ii) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.

(iii) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (The fact that a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)

(iv) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(v) That the variance will not cause adverse impacts on surrounding property, property values or the use and enjoyment of property in the neighborhood.

(vi) That the variance shall not permit the establishment within a district of any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.

(b) Rules. The following rules shall be applied in the granting of variances:

(i) The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

(ii) Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance or permit has been commenced within 6 months after the granting of the variance; and the occupancy of the land, premises, or buildings authorized by the variance has taken place within 1 year after the granting of the variance.

(iii) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of 1 year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

(c) Additional Conditions in Determining Variances for Decks or Deck with Attached Seating and/or Attached Storage within the Great Lakes Ordinary High Water Mark

Setback. In determining whether to grant a variance permitting construction of a deck or of a deck with attached seating and or attached storage within the Ordinary High Water Mark setback, the Zoning Board of Appeals shall, in addition to considering Basic Conditions established by this Ordinance, consider the following conditions:

(i) The physical characteristics of the waterfront property which may require the construction of a deck to make use of that property.

(ii) The proximity of the proposed structure to the main traveled portion of the roadway so as to ensure the safety of users or property.

(iii) The extent to which the proposed structure will obstruct the public view of the shoreline.

(iv) The degree of exposure of the structure to damage by the elements.

(v) The aesthetics of the structure as viewed from both the land and the water.

(d) Prohibited Variances (2019 Section). No appeal shall be taken to the Zoning Board of Appeals from a decision of the Planning Commission or the Township Board in connection with a special land use. Also, the Zoning Board of Appeals shall not grant variances from uses of land.

(3) **Interpretations (currently Section 5.7.2).** The Zoning Board of Appeals shall have the power to:

(a) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.

(b) Determine the precise location of the boundary lines between zoning districts, using guidance provided in *Section 3.03*.

(4) **Classifying Uses Not Specifically Mentioned (currently Sections 5.7.2(3) and 6.1.4(2)).** The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted, special, or prohibited use for the purpose of clarifying the use regulations in any district.

(D) Attachment of Conditions (currently Section 5.7.3(2)(a)). The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

(E) Approval Period (currently Section 5.7.3(2)(b)). A variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance or permit has been commenced within 6 months after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within 1 year after the granting of the variance.

(F) Re-Application (currently Section 5.7.3(2)(c)). No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of 1 year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

(G) Performance Guarantees (currently Section 5.9). In authorizing any variance, or in granting any other approvals, the Zoning Board of Appeals may require that a performance guarantee pursuant to *Section 13.09* be furnished to ensure compliance with the requirements, specifications and conditions imposed with the grant of variance or other approval and to ensure the discontinuance of a structure or activity by a stipulated time.

Section 13.07 Amendments (currently Article 9)

(A) Initiation of Amendments (2019 SECTION). The Township Board may amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Text amendments may be proposed by the Township Board, Planning Commission, or any interested person or organization. Changes in zoning district boundaries may be proposed by the Township Board, Planning Commission, any person having a freehold interest in the premises concerned, or by the designated agent of a person having a freehold interest in the property.

(B) Application for Amendment (2019 SECTION). An application for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property shall be commenced by filing an application with the Planning Director on the forms provided by the Township, and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a plot plan or survey which specifies the boundaries and legal description of the site. The Planning Director, Planning Commission, and Township Board may request additional information with the application.

(C) Amendment Review Procedures (2019 SECTION). The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

(1) **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) as summarized in *Section 13.08*.

(2) **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Township Board.

(3) **Township Board Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board may approve or deny the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the Township Board shall approve or deny the amendment, based upon its consideration of the criteria contained in this Section.

(D) Standards of Review for Amendments (2019 SECTION). In considering any petition for an amendment to the text of this Ordinance or to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria that apply to the application in making

findings, recommendations, and a decision. The Planning Commission and Township Board may also take into account other factors or considerations that are applicable to the application but are not listed below.

(1) Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

(2) Consistency with the basic intent and purpose of this Zoning Ordinance.

(3) The capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(4) The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.

(5) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

(6) That the amendment will not be expected to result in exclusionary zoning.

(7) If a rezoning is requested, compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.

(8) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(9) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

(10) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.

(11) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

(12) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

(E) Notice of Adoption of Amendments (2019 SECTION). Following adoption of an amendment by the Township Board, 1 notice of adoption shall be filed with the Township Clerk and 1 notice shall be published in a newspaper of general circulation in the Township within 15 days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006,

as amended. A record of all amendments shall be maintained by the Township Clerk. A Zoning Map shall be maintained by the Township Clerk, which shall identify all map amendments.

(F) Referendum (2019 SECTION). Within 30 days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the Township Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended).

(G) Rezoning (Zoning Map Amendment) with Conditions Prohibited. Rezoning with conditions, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in the Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

Section 13.08 Public Hearing Procedures (currently Sections 7.12.1(8)(a) and 8.1.2(3))

(A) Public Hearings (2019 SECTION). The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The public hearing procedures of P.A. 110 in effect at the date of adoption are summarized as follows. Any further amendments to P.A. 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

(B) General Public Hearing Procedures (2019 SECTION). The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in *Section 13.08(C)*, below.

(1) **Publication in a newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.

(2) Personal and Mailed Notice.

(a) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.

(b) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.

(c) Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance(s) to the structure.

(d) All notices must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

(e) The Township shall prepare a list of property owners and occupants to whom notice was mailed.

(3) **Content.** Any notice published in a newspaper or delivered by mail shall:

(a) Describe the nature of the request.

(b) Indicate the property that is the subject of the request.

(c) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.

(d) When and where the public hearing will occur.

(e) When and where written comments may be submitted concerning the request.

(C) Zoning Ordinance Amendment Public Hearing Procedures (2019 SECTION). Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:

(1) **Map Amendments Affecting 10 or Fewer Adjacent Parcels.** If the proposed map or text amendment will impact 10 or fewer adjacent parcels, notice shall be given as specified in *Section 13.08(B)*.

(2) **Text Amendments, or Map Amendments Affecting 11 or More Adjacent Parcels.** If a text amendment is proposed or map amendment is proposed that will impact 11 or more adjacent parcels, notice shall be given as specified in *Section 13.08(B)*, with the exception that *Section 13.08(B)(2)* and *Section 13.08(B)(3)(c)* do not apply.

(3) **Notice to Other Entities.** Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the Township Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

(4) **Additional Information Required in Notice.** Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

Section 13.09 Performance Guarantees (currently Sections 5.9, 6.9.6.3, and 7.10.12)

(A) Performance Guarantee Authorized. In authorizing any permit, site plan, special use permit, or variance, the Township may require that a performance guarantee be furnished to ensure compliance with the requirements or conditions imposed by approval.

(B) Development Agreement for Subdivision, Condominium, PUD, or Other Plan Approval.

(1) If the Township Board approves a condominium, subdivision, PUD plan, or other plan deemed necessary by the Township to have a development agreement, the Township Board shall instruct the Township Attorney to prepare a development agreement setting forth the conditions upon which such approval is based. The development agreement, after approval by the Township Board, shall be entered into between the Township and petitioner prior to the issuance of a land use permit for any construction in accordance with the approved plan. All reasonable costs, as established by the Township Board, related to the preparation of said development agreement shall be paid by the petitioner to the Township Treasurer prior to issuance of any land use permits.

(2) As a condition of the approval, the petitioner shall furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in the amount of the cost plus an additional 10 percent of the cost of the proposed improvements to common land, as estimated by the Township Board, guaranteeing the completion of such improvement within a time to be set by the Township Board.

(C) Guarantee of Completion of Required Improvements. The Township Board shall require all improvements and facilities to be completed before it approves the final plat or accept the project or phase as complete.

In lieu of the actual installation of required public improvements, or soil erosion measures not covered by Part 91 of Public Act 451 of 1994, as amended, the Township Board shall require the applicant to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner, and of any other agency responsible for the administration, operation, or maintenance of the applicable public improvement. The Township Board may waive financial guarantees of performance under this Ordinance for road lights or street trees. Unless these improvements are otherwise specified, completion shall be required prior to the issuance of occupancy permits.

(1) Performance or Surety Bond.

(a) Accrual. The bond shall accrue to the Township, covering construction, operation, and maintenance of the specific improvements.

(b) Amount. The bond shall be in an amount equal to the total estimated cost for completing construction of the specific improvements, including contingencies, as estimated by the Township Board.

(c) **Term Length.** The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific improvements.

(d) **Bonding or Surety Company.** The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.

(e) **Escrow Agreement.** The escrow agreement shall be drafted at the expense of the developer and approved by the Township Attorney.

(2) **Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.**

(a) **Treasurer, Escrow Agent or Trust Company.** A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board

(b) **Dollar Value.** The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific improvements including contingencies, as estimated by the Township Engineer and accepted by the Township Board.

(c) **Escrow Time.** The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.

(d) **Progressive Payment.** An agreement between the Township and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion(s) of the improvement and acceptance of the completed portion(s) of the improvements by the Township Engineer and the Planning Director.

(3) **Condition of Township Approval of Final Road Project, Financial Guarantees.** With respect to financial guarantees, the approval of all final road projects shall be conditioned on the accomplishment of one of the following:

(a) The construction of improvements required by this Ordinance shall have been completed by the applicant and approved by the Township Board.

(b) Surety acceptable to the Township Board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

(4) **Occupancy Prior to Completion of Improvements.** The Zoning Administrator may allow temporary occupancy of the development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of

improvements before the expiration of the temporary occupancy permit without expense to the Township. The expiration date of a temporary occupancy permit shall be as determined by the Planning Director upon issuance of the permit. The Director of Planning may deny a temporary occupancy permit if the improvements essential for occupancy have not bee completed.

(5) **Inspection of Improvements under Construction.** Before approving a final project, an agreement between the applicant and the Township Board shall be made to provide for the Township Engineer and Planning Director to check and/or inspect the construction of improvements and conformity to plans.

(6) **Penalty In Case Of Failure to Complete the Construction of an Improvement.** In the event the applicant shall, in any case, fail to complete the required improvements within the period of time as required by the conditions of the guarantee for the completion of improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the applicant may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the Township Board and the applicant.

Section 13.10 Enforcement

(A) Violations and Penalties (currently Sections 4.2.1 and 11.1). Any person, firm, association, corporation, company, or other entity which fails to comply with any Peninsula Township Ordinances, Michigan law, or any regulatory measures or conditions imposed by the Planning Commission, Zoning Board of Appeals, or Township Board shall be found in violation. If such violation has not abated, ceased to exist or otherwise been remedied within 7 days after written notice of the violation has been sent, the violator will be deemed to be responsible for a municipal infraction as defined by Michigan statute. This infraction shall be punishable by a civil fine in an amount to be determined for each violation. The amount will be determined by the Township violation fee schedule, or in an amount determined by the Court, along with all expenses (direct and indirect) incurred by the Township. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as authorized under Michigan law. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

(B) Nuisance Per Se (currently Section 11.2). Uses of land, dwellings, buildings or structures, including tents and trailer coaches used, erected, altered, razed or converted in violation of any provision of this Ordinance or the regulatory measures or conditions of the Township Board, Planning Commission, or Zoning Board of Appeals adopted pursuant hereto are hereby declared to be nuisances per se.

Article 2 Definitions

Section 2.01 Rules Applying to the Text (currently Section 3.1)

For the purpose of this Ordinance, the following rules of construction apply:

(A) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

(B) The word "person" includes a corporation, company, partnership, family, or firm as well as an individual.

(C) The word "building" includes the word "structure".

(D) The words "lot" and “parcel” include the words "plot," "tract," “subdivision lot,” or “site condominium lot.”

(E) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

(F) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(G) Any word or term not interpreted or defined by this Article shall be given its common meaning or standard usage. A dictionary may be consulted.

Section 2.02 Definitions (currently Section 3.2 with 2026 Revisions)

(A) For the purpose of this Ordinance, the following definitions and interpretations apply:

(1) **Accessory Building or Accessory Structure.** A building or structure subordinate to, and located on the same parcel as, a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use. An accessory building or structure may have water and sanitary or septic sewer service, subject to the following restrictions:

(a) The accessory building shall not be used for dwelling use;

(b) There shall be no sleeping, laundry, or kitchen facilities; and

(c) All bathrooms, sinks, and other facilities requiring water and sanitary or septic services shall be located on the ground floor only.

(2) **Accessory Dwelling Unit (ADU), Attached.** A second, smaller dwelling unit developed within an existing single-family house (such as a basement, attic, or addition).

(3) **Accessory Dwelling Unit (ADU), Detached.** A second, smaller dwelling unit developed within a detached accessory building.

(4) **Accessory Use.** A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

(5) **Active Production.** Active Production means the production of agricultural crops on a continuing basis in accordance with generally-accepted agricultural management practices, including periodic crop rotation and scheduled fallow farming practices. (ADDED BY AMENDMENT 201)

(6) **Adult Foster Care Facility.** A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. Subject to Michigan Public Act 218 of 1979, as amended, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, child caring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institution, and any other use excluded under Act 218 of 1979, as amended.

(a) **Adult Foster Care, Family Home.** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

(b) **Adult Foster Care, Small Group Home.** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.

(7) **Agricultural Labor Camp, Licensed.** A tract of land and all related buildings or other structures, all or part of which are established, occupied, or used as living quarters for 5 or more migrant farm laborers engaged in agricultural activities, including related food processing, which is licensed by the State of Michigan under Part 124 (Agricultural Labor Camps) of the Michigan Public Health Code (Public Act 368 of 1978) as amended.

(8) **Agricultural Labor Camp, Unlicensed.** A tract of land and all related buildings or other structures, all or part of which are established, occupied, or used as living quarters for less than 5 migrant farm laborers engaged in agricultural activities, including related food processing.

(9) **Agricultural Production.** See “Farm” and “Farm Products.”

(10) **Agriculture.** Substantially undeveloped land devoted to the production of plants and animals useful to human beings, including fruits; grapes; nuts; vegetables; green house plants; Christmas trees; forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; and other similar uses and activities.

(11) **Airport Critical Zone.** The critical zone includes the clear zone approach-departure clearance surface and the transitional surface.

(12) **Airport Inner Horizontal Surface Area.** The inner horizontal surface area is that area surrounding the airport for a distance of 3 miles, excluding the clear zone surface, transitional surface, and airport approach-departure clearance surface.

(13) **Airport Outer Horizontal Surface.** The outer horizontal surface is the airport hazard area less the critical zone area beyond a 3-mile distance of the Inner Horizontal Surface area to the outer boundary of the Airport Overlay Zone District.

(14) Airports and Airfields. Land, water, runways, or facilities used or intended for aircraft landing or takeoff, including taxiways, aircraft storage, tie-down areas, hangars, related structures, and open spaces. (2026 Section)

(15) **Alcoholic Liquor.** Alcoholic Liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission according to alcoholic content as belonging to 1 of the varieties defined in Chapter 1 of the Michigan Liquor Control Code of 1998. (ADDED BY AMENDMENT 201)

(16) **Alterations.** Any modification, addition, or change in construction or type of occupancy, or any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

(17) **Average Natural Grade.** The average between the lowest and highest elevations of the Natural Grade where the foundation or exterior walls of a structure meets the ground. (ADDED BY AMENDMENT 204)

(18) Barn Storage. The use of a barn for agricultural purposes, for the indoor storage of vehicles, boats, recreational vehicles, machinery, equipment, household goods, or similar personal property. (2026 Section)

(19) **Basement.** A story having part, but not more than one-half (1/2) of its height below finished grade. (REVISED BY AMENDMENT 204)

(20) **Bed and Breakfast.** A private residence that offers sleeping accommodations to registered guests in 3 or fewer rooms for rent, is the owner's residence in which the owner resides while renting the rooms to registered guests, and serves breakfasts at no extra cost to its registered guests.

(21) **Board of Appeals.** Peninsula Township Zoning Board of Appeals.

(22) **Boarding of Livestock.** Providing care, custody and control of livestock for others.

(23) **Boat Hoist.** A device to raise boats above or out of the water.

(24) **Boat Launch.** A facility designed and used for boat access to, and removal from, a naturally occurring body of water, including, but not limited to, Grand Traverse Bay, using trailers drawn by motor vehicles. **(2026 TEXT)**

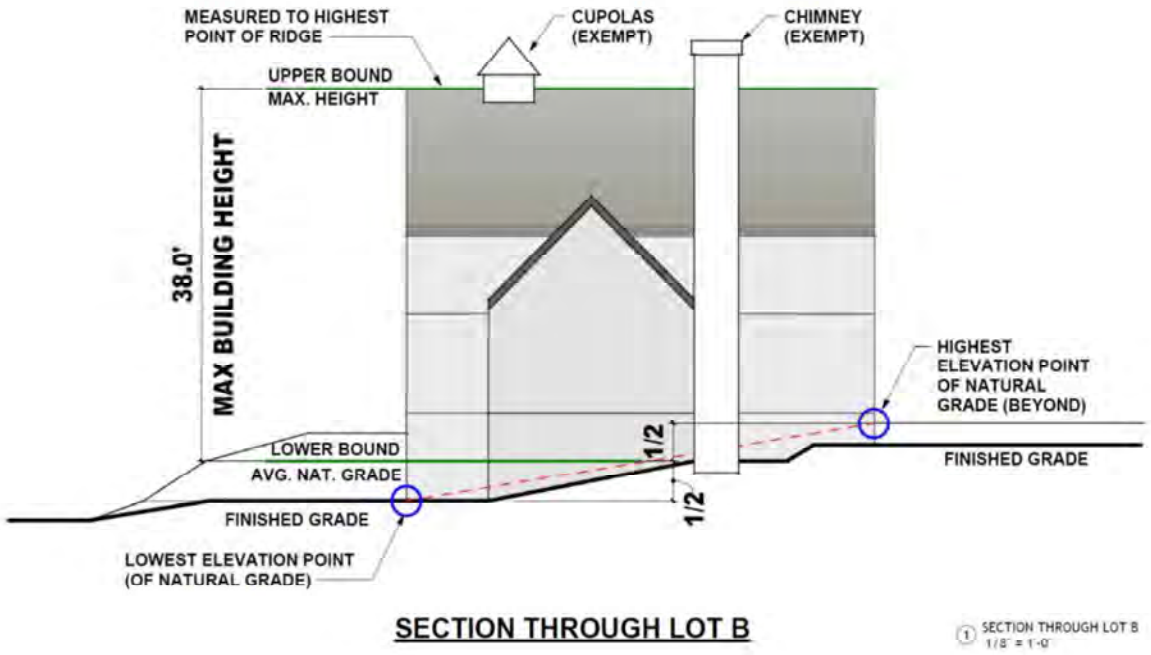
(25) **Building.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind.

(26) **Building Area.** See "Floor Area."

(27) **Building Envelope.** An area identified on a site plan within which a building or structure may be located.

(28) **Building, Height of.** The vertical distance measured from the mean elevation of the Average Natural Grade to the highest point of the roof. (REVISED BY AMENDMENT 204)

Figure 2-1. Building, Height of



(29) **Building Line.** A line formed by the exterior wall of the building.

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

(31) **Building Setback.** See definition of "Setback" in *Section 2.02(A)(108)*.

(32) **Building Width.** The width of the building foundation as shown on elevation drawings, excluding porches, measured along the main foundation of the building on each side.

(33) **Cellar.** A story having its entire height below finished grade. (REVISED BY AMENDMENT 204)

(34) Cemeteries. Land used for burial of the dead, including a columbarium, crematory, and mausoleum.

(35) **Child Care Organization.** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of 1973, as amended, and the associated rules by the State of Michigan. Such organizations shall be further defined as follows, which may be superseded by the Act:

(a) **"Child Care Center"** or **"Day Care Center."** A facility, other than a private residence, receiving 1 or more pre-school or school age children for care for period of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, before- or after-school program, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution, a facility operated by a religious institution where children are cared for during short periods of time while persons responsible for children are attending religious services, or other excluded uses stated in the Act.

(b) **"Child Care, Family Home."** A private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

(c) **"Child Care, Group Home."** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

(36) **Clubhouse.** A communal building or space used by a particular group or club that is primarily used for events and meetings. (ADDED BY AMENDMENT 206)

(37) **Common Land.** A parcel or parcels of land together with any improvements, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development, subdivision, or site condominium.

(38) **Contiguous.** Contiguous describes two or more parcels of land with a common boundary or point that may be separated solely by a private roadway or public right-of-way. (ADDED BY AMENDMENT 201)

(39) Country Club. A private or semiprivate membership organization that provides social, dining, and recreational facilities primarily for members and their guests.

(40) **Cupola.** Ornamental structures for architectural decoration placed in a prominent position, usually at the top of a larger roof or dome. They are non-habitable and do not have interior access except for maintenance purposes. See *Section 7.10(b)(2)*.

(41) **Density.** The number of dwelling units residing upon, or to be developed upon, a net acre of land.

(42) **District, Zoning.** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, height limitations, and lot coverage.

(43) **Dock.** A seasonal structure extending along shore or out from the Shoreline into a body of water, to which boats may be moored, including an attached Dock Patio or attached Swimming Platform. (ADDED BY AMENDMENT 206)

(44) **Dock, Joint-Use.** A single Dock that serves two (2) adjacent waterfront Lots under separate ownership, where the property owners have agreed to share use of the Dock in lieu of each Lot having its own Dock.

(45) **Dock Patio.** A structure that serves as an outdoor gathering space extending along or from shore, often accommodated by seating and tables. A Dock Patio may be attached to a Dock or may be freestanding. (ADDED BY AMENDMENT 206)

(46) **Dwelling Unit.** A single building, or portion of any building, providing complete independent living facilities for 1 family for residential purposes, including permanent provisions for living, sleeping, cooking, and sanitation. Dwelling unit types are defined as follows:

(a) Dwelling, Multiple Family. Two (2) or more dwelling units attached to each other, including duplexes, triplexes, quadplexes, apartment houses, co-ops, and attached single-family residences.

(b) Dwelling, Single-Family. A detached building designed for or occupied exclusively by one family.

(47) **Easement.** Any right to use or enter onto the real property of another without possessing it.

(48) **Easement, Conservation.** A grant, by an instrument, whereby the owner relinquishes to the public in perpetuity, the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land, not to develop, except as this right is expressly reserved in the instrument.

(49) **Elevation Drawing.** A scalable architectural drawing or rendering of a side of a building.

(50) **Entertainment.** Entertainment as it pertains to a Retail Farm Processing Facility with a state-approved liquor license may allow monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing by issuance of an entertainment permit by the Michigan Liquor Control Commission, provided that such entertainment shall be conducted entirely indoors on the licensed premises and only during Township-approved hours of operation. (ADDED BY AMENDMENT 201)

(51) **Erected.** The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

(52) **Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, main, drains, sewers, pipes, conduits, cable, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions. Essential services shall not include wireless communication facilities, buildings, solar energy facilities, or wind energy facilities.

(53) **Event.** A planned gathering or activity on a set date and time, and at a specific location.

(54) **Event Venue, Indoor.** A musical concert, festival, fair, carnival, show, wedding, party, or similar gathering, held indoors, at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free, and at which the anticipated attendance is 100 people or greater.

(55) **Event Venue, Outdoor.** A musical concert, festival, fair, carnival, show, wedding, party, or similar gathering, held outdoors, at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free, and at which the anticipated attendance is 100 people or greater.

(56) **Existing Building.** A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment to this Ordinance.

(57) **Existing Use.** A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment to this Ordinance.

(58) **Family.** "Family" means either of the following:

(a) An individual or group of 2 or more persons living together and related by the bonds of blood, marriage or adoption, together with foster children and domestic staff of the principal occupants and not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

(b) The functional equivalent of the domestic family, that is, a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other group of individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

(59) **Farm.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

(60) **Farm Operation.** A Farm Operation is a person, corporation, partnership, or other legal entity engaged in the commercial production of Farm Products on land that it controls and operates. (ADDED BY AMENDMENT 201)

(61) **Farm Products.** Farm Products include those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae (e.g., deer), livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture and Rural Development. (ADDED BY AMENDMENT 201)

(62) **Farm Stand.** A Farm Stand is a structure or display area where marketing and transactions between farm operators and their customers take place. Such Farm Stand shall only be operated as an accessory use of a Farm Operation engaged in the Active Production of Farm Products within Peninsula Township. (ADDED BY AMENDMENT 203)

(63) Farm Supply and Implement Dealers. An establishment principally engaged in the sale, rental, servicing, or repair of agricultural machinery, implements, equipment, seed, feed, fertilizer, and other supplies used in Farm Operations.

(64) **Feeder Lot.** Also known as a “Concentrated Animal Feeding Operation (CAFO)” by the State of Michigan, a “Feeder Lot” is an area used for the concentrated feeding of large numbers of marketable meat producing animals carried on as a commercial operation rather than as part of a normal farming operation.

(65) **Fence.** A structural barrier, including gates when closed, which has openings of more than 50 percent of each one square yard of surface area, constructed of wood, metal or other durable parts such as rails, boards, wire mesh, or other material designed and marketed

for such use; and used to mark a boundary or to define or enclose a specific area.

(66) **Fence, Temporary.** A fence of temporary nature, such as a snow fence, a fence erected around construction works, or maintained pursuant to building code or other ordinances of the Township or the county on behalf of the Township.

(67) **Finished Grade.** The completed elevation of land after any movement of soil or alteration by human intervention. (ADDED BY AMENDMENT 204)

(68) **Flood Elevation Line.** The computed elevation (584.0 NAVD 88) to which floodwater is anticipated to rise during the base flood. Also known as a Base Flood Elevation (BFE) on a Flood Insurance Rate Map (FIRM).

(69) **Flood Plain Area.** Those areas along the Great Lakes Shore Line falling below the elevation 584.0 North American Vertical Datum of 1988 (NAVD 88).

(70) **Floor Area.** The sum of all interior horizontal areas of all floors (including half stories), which include:

- **(a)** Such area of a basement when the basement is classified as a story;
- **(b)** Such area of any elevator shafts and stairwells at each floor;
- **(c)** Such area used for mechanical equipment (except equipment, open or enclosed, located on a roof);
- **(d)** Such area of any interior balconies, mezzanines, and covered porches, but not including uncovered porches, terraces, decks, and steps.

(71) **Food Processing Plant.** An on-site facility used for the production, processing, and wholesaling of their value-added products, excluding retail sales.

(72) Freestanding Water Equipment. A seasonal structure used for waterfront purposes that is either (1) moored in the water independently of a Dock, or (2) placed along or attached to the Shoreline but not connected to a Dock. Freestanding Water Equipment includes, but is not limited to, freestanding Swimming Platforms, freestanding Dock Patios, freestanding Boat Hoists, and freestanding Jet Ski Hoists. (ADDED BY AMENDMENT 206)

(73) Game or Hunting Preserves Operated for Profit. Land and associated facilities operated as a business for the propagation, release, management, or taking of game animals or birds by hunting or trapping.

(74) **Garage, Residential.** An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial vehicles owned and used by the occupants of the building to which it is accessory.

(75) **Gas Station.** Any area of land, including any structures thereon, used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. This term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

(76) **Golf Course.** An outdoor recreation facility designed for enjoyment of golf, but not including stand-alone golf-driving ranges and miniature golf courses.

(77) **Grade, Finished.** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or related designs.

(78) **Grade, Natural.** The elevation of the ground surface in its natural state, before manmade alteration.

(79) **Greenhouses and Nurseries**. Land and buildings used for the propagation, growing, storage, or display of plants, trees, shrubs, flowers, or similar horticultural products.

(a) **With Retail Sales**. A Greenhouse or Nursery where plants, horticultural products, or customary garden supplies are sold directly to the general public on the premises.

(b) **Without Retail Sales**. A Greenhouse or Nursery used for production, wholesale distribution, or storage.

(80) **Guest Unit.** A room or group of rooms occupied, arranged or designed for occupancy by 1 or more guests for compensation, such as in a Bed and Breakfast.

(81) **Health Department.** Grand Traverse County Health Department.

(82) **Hoist, Boat.** A mechanical structure used to lift and hold boats in and out of the water. (ADDED BY AMENDMENT 206)

(83) Hoist, Jet Ski. A mechanical structure used to lift and hold jet skis in and out of the water. For the purposes of this Ordinance, two (2) Jet Ski Hoists are equal to one (1) Boat Hoist. (ADDED BY AMENDMENT 206)

(84) **Home Occupation.** An accessory use of professional, service, or business character conducted within a dwelling by the family residents, which is clearly secondary and incidental to the use of the dwelling for living purposes and does not change the exterior character.

(85) **Hotel, Motel, Tourist Court.** Commercial establishments, known to the public as hotels, motor hotels, motels or tourist courts, including resort hotels and hotels operated by membership organizations, and open to the general public, primarily engaged in providing lodging, or lodging and meals, for the general public; however, not including Bed and Breakfasts, Recreational Unit Parks, Campgrounds, or tent sites.

(86) **Impervious Surface.** Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff.

(87) Indoor Recreation. Indoor uses designed to provide opportunities for relaxation, athletic activity, or other leisure pursuits.

(88) **Institutional Structures and Uses.** Buildings, structures, or land used by a governmental, educational, religious, civic, or nonprofit organizations primarily to provide public or community services. Such uses include religious institutions, schools, public buildings, social institutions, and public service installations.

(89) **Junk Yard.** Any establishment or premises where any motor vehicle, machinery, appliance, product or merchandise, scrap metal, or other scrap materials which are damaged, deteriorated, or that are in a condition which prevents their use for the purpose for which they were intended are bought, kept, sold and/or stored. A "Junk Yard" shall include any premises upon which 1 or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

(90) **Joint-Use Dock.** A single Dock that serves two (2) adjacent waterfront Lots under separate ownership, where the property owners have agreed to share use of the Dock in lieu of each Lot having its own Dock. (ADDED BY AMENDMENT 206)

(91) Keeping of Domestic Animals. The keeping on a lot of dogs, cats, poultry, rabbits, or other domesticated animals for personal, household, or noncommercial purposes. This term does not include a Kennel, commercial breeding, boarding, or training operation, or livestock kept as part of a Farm Operation.

(92) **Kennel.** Any lot or premises used for the sale, boarding, training, transfer, or breeding of dogs, cats, or other household pets over the age of 6 months. Kennel shall also mean the keeping of 5 or more dogs, cats or other household pets over the age of 6 months.

(93) **Land Use Permit.** Permit required for any change in use of land or structure in accordance with the provisions of this Ordinance.

(94) **Lighting.** See lighting-related definitions in *Section 8.07(C)*.

(95) **Line, Street.** The dividing line between a street right-of-way and a lot.

(96) Livestock Auction Yards. Land and facilities where livestock are temporarily received, confined, displayed, sold, or exchanged by auction or another sales method. The term includes customary pens, barns, loading areas, and administrative offices associated with the livestock sales operation.

(97) **Lot.** An area of land, which may consist of lots of record or parcels or parts thereof, on which 1 principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. The definition of "Lot" may consist of 2 or more lots, lots of legal record, or platted lots, when contiguous to each other and when held in common ownership, for purposes of this Ordinance where the combination of lots is necessary to meet the setback or lot coverage requirements of this Ordinance. Unless otherwise provided in this Ordinance, public and private streets and road rights-of-way, and approved road easements for ingress and egress shall divide lots (including parcels and sites) for purposes of this Ordinance. While 2 or more lots separated by not more than the width of a public road right-of-way or private road easement may be combined into a single tax identification parcel, all principal and

accessory buildings shall be placed on 1 lot and such lot coverage shall be calculated using the coverage and area of that 1 lot. The definition of "lot" shall also include subdivision lots and site condominium unit lots.

(98) **Lot Area (includes the terms: "Lot," "Parcel Size," "Parcel Area," "Site," and "Site Area,").** The total area within the lot lines including road and street right-of-ways, provided the property legal description includes such right-of-way.

(99) **Lot Coverage.** The amount of a lot, stated in terms of percentage, that is covered by all above-grade structures. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

(100) **Lot, Depth of.** The mean distance from the right-of-way line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

(101) **Lot, Front of.** That lot line which is (or contains) the road line of the principal road or right-of-way providing access to the lot.

(102) **Lot Line.** The lines bounding a lot. Lot Line Types are as follows (See *Figure 2-3* and *Figure 2-4*):

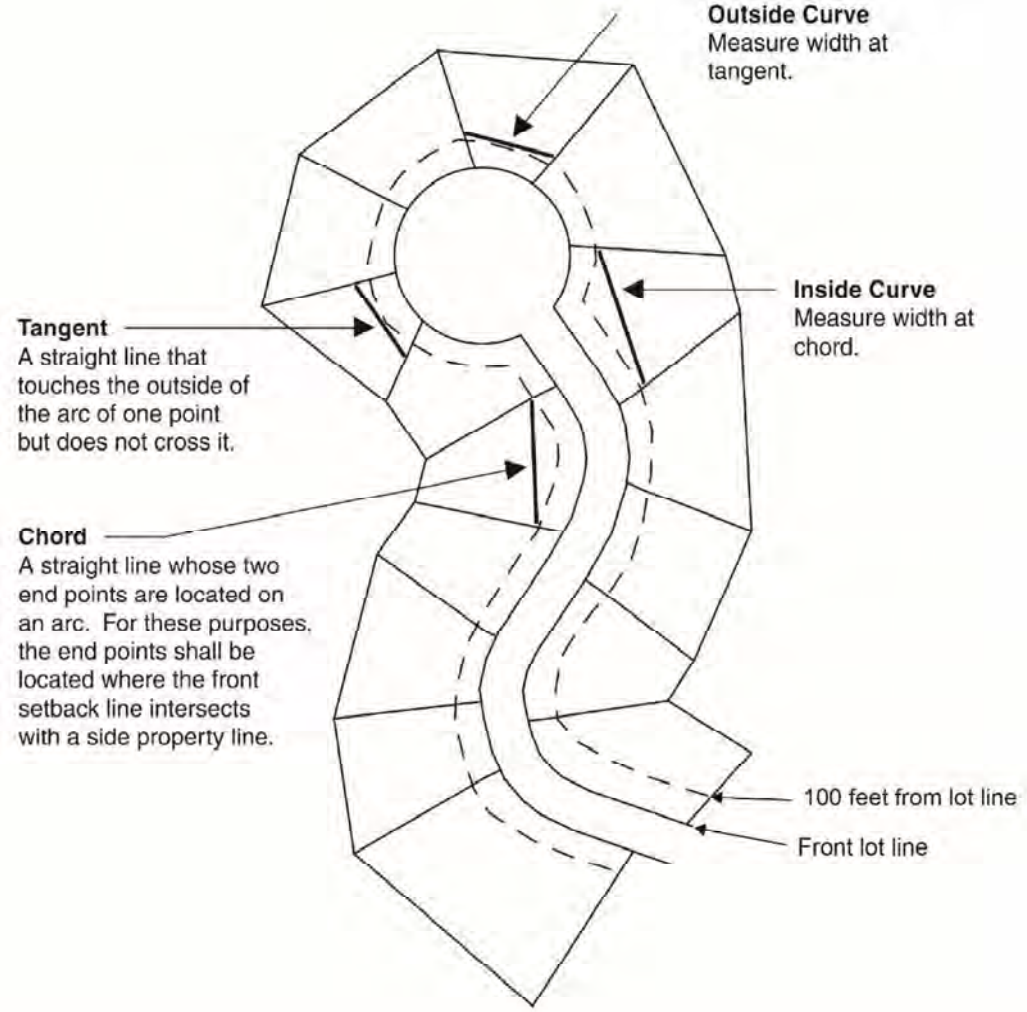
(a) Lot Line, Front. The line(s) separating the lot from any street right-of-way, private road or other access easement. In the case of a corner lot and double frontage lot, the front lot line shall mean that line separating said lot from that street right-of-way, private road, or other access easement which is designated as the front on the plat, approved site plan, or recorded survey.

(b) Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least 10 feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

(c) Lot Line, Side. Any lot line other than a front or rear lot line.

(103) **Lot, Minimum Width.** The minimum lot width shall be measured as the shortest distance between the side lot lines within 100 feet from the front lot line. Where the front lot line is not a straight line, and curves into or away from the lot (such as a cul-de-sac or street curve), the minimum lot width shall be measured at the shortest distance between the side lot lines measured tangent to an outside curve (such as a cul-de-sac) or chord to an inside curve 100 feet from the front lot line (See *Figure 2-2*).

Figure 2-2. Lot Width Measurement



(104) **Lot of Record.** A lot which is part of a subdivision or site condominium, the map of which has been recorded in the Office of the Register of Deeds in Grand Traverse County or a lot described by metes and bounds, the deed or land contract to which has been recorded in the Office of the Register of Deeds in Grand Traverse County.

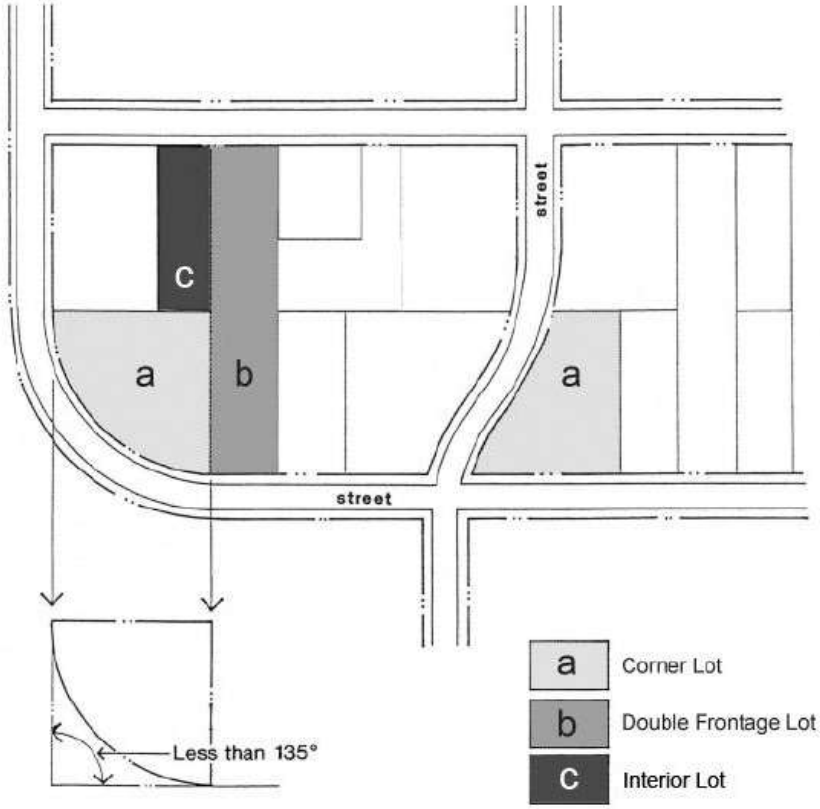
(105) **Lot Types.** Lot Types are as follows (refer to *Figure 2-3*):

(a) Lot, Corner. A lot which has at least 2 contiguous sides abutting upon a street for their full length. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. A corner lot shall have 1 front lot line, from which primary access shall be taken.

(b) Lot, Double Frontage. An interior lot having frontage on more than 1 street or road. A double frontage lot shall have 1 front lot line, from which primary access shall be taken.

(c) Lot, Interior. A lot other than a corner lot with only 1 frontage on a street or road.

Figure 2-3. Lot Types



Corner, Interior & Double Frontage Lots

(106) **Major Thoroughfare.** Unless stated otherwise in the Master Plan, a Major Thoroughfare shall be an arterial or collector-distributor road, which includes M-37, Center Road, Peninsula Drive, Bluff Road, Montague Road, and East Shore Road.

(107) **Marina.** A commercial boat basin or dock with facilities for berthing and servicing all types of water craft.

(108) **Master Plan.** A statement of policy adopted by the Township pursuant to the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended).

(109) **Migrant Farm Laborer.** A person employed in agricultural work of a seasonal or other temporary nature who:

(a) Has to travel from his or her permanent place of residence to do the farm work so that he/she is unable to return to his/her permanent residence within the same date;

(b) Is not employed in farm work year round by the same employer; and

(c) Does not have an ownership interest in the property where the laborer is employed.

(110) **Mining or Removal of Topsoil.** The extraction, excavation, or removal of topsoil, sand, gravel, stone, clay, or other minerals from land for sale or use away from the premises.

(111) **Mobile Home.** 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. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

(112) **Mobile Home Park.** Any parcel or tract of land under the control of any person, upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

(113) **Natural Grade.** The elevation or contour of the land prior to any movement of soil or alteration by human intervention. (ADDED BY AMENDMENT 204)

(114) **Nonconforming Building, Nonconforming Structure, or Nonconforming Use.** A building, structure, or use of land existing at the time of enactment of this Ordinance which does not conform to the regulations of the district or zone in which it is situated.

(115) Off-Street Parking Lots. An area of property providing parking spaces, drives, and aisles for safe access, maneuvering, entrance, exit, and parking of more than three vehicles.

(116) **Open Space.** A typically vegetative area designed, depending upon the particular situation, for environmental, scenic, or recreational enjoyment, but not including supplemental setback areas, roads, parking areas, drainage basins, or areas within individual lots. Open space shall be consolidated and contiguous to the greatest extent reasonably possible so as to provide usable park-like areas.

(117) **Ordinary High Water Mark.** For Lake Michigan, the Ordinary High Water Mark is a point 580.5 feet above sea level (International Great Lakes Datum 1985), or as otherwise determined by the State of Michigan or U.S. Government. For other water bodies, the Ordinary High Water Mark is the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from

the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

(118) **Outdoor Storage.** The keeping, placement, or accumulation of materials, merchandise, equipment, vehicles, containers, or similar items outside a fully enclosed building.

(119) **Parcel Area.** See "Lot Area."

(120) **Parcel Size.** See "Lot Area."

(121) **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

(122) **Personal Service.** A commercial establishment which performs personal services on the premises within a completely enclosed building including, but not limited to, clothing repair shops, barber and beauty shops, photographic studios, and drop-off/pick-up dry cleaners provided no treatment of clothing or other material occurs on the property.

(123) **Pet Sitter.** A business where the sitter cares for the pets either on the site of the pet owner or at the residence of the pet sitter. No more than 4 pets may be cared for at the residence of the pet sitter.

(124) **Planned Unit Development.** A land area which has both individual building sites and common property, such as a park, and which is designed and developed under 1 owner or organized group as a separate neighborhood or community unit in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).

(125) **Principal Use.** The main use to which the premises are devoted and the principal purpose for which the premises exists.

(126) **Private Launching Ramp.** A space or structure from which a boat may be launched for the use and benefit of the patrons of the waterfront marina or boat yard wherein said boats are berthed or docked.

(127) **Processing.** The alteration or change in form of Raw Produce through crushing, cooking, chemical reaction, fermentation, distillation, or other methods, but not including the picking, sorting, or handling of Raw Produce in preparation for wholesale sale in its natural state. (ADDED BY AMENDMENT 201)

(128) Professional Offices. A room, group of rooms, or building containing office furniture and equipment and occupied by persons engaged in executive, administrative, professional, political, or similar work.

(129) Public Areas (Parks, Recreation, and Conservation Areas). Land or facilities owned, leased, or operated by a governmental body or public agency for parks, recreation, conservation, forest preserves, game refuges, trails, or similar low-intensity public uses.

(130) **Public Utility.** Any person, firm, corporation, municipal department or board fully authorized under Federal, State, or Municipal Regulations to furnish to the public electricity, gas, steam, communications (excluding wireless communication facilities), telegraph, transportation or water. Public utilities do not include solar energy facilities, wind energy facilities, or wireless communication facilities.

(131) Raising of Fur-Bearing Animals for Profit. The commercial breeding, raising, keeping, or harvesting of animals principally for the production of fur or pelts.

(132) **Raw Produce.** Raw Produce includes Farm Products in their natural state as harvested, prior to Processing. (ADDED BY AMENDMENT 201)

(133) **Recreation, Private.** A recreational space or structure, or combination thereof, belonging to or operated by private interests for use by private individuals or organizations and/or the public, consisting primarily of man-made structures or other artificial apparatus which are necessary to form the basis for said use.

(134) **Recreational Outdoor Activity, Accessory.** Outdoor amenities and activities that are incidental and subordinate to a permitted principal use or approved Special Use on the same parcel. To meet this definition, all of the following shall be true:

(a) The activity is not independently ticketed, marketed, or accessible, and any remuneration is 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.

(b) The total number of persons participating at any one time shall not exceed 50. An outdoor recreational activity that exceeds or is designed to exceed 50 persons at any one time shall be considered a Principal Outdoor Recreational Activity.

Where the intensity or character of an outdoor recreational activity is such that it would reasonably be considered the primary draw or purpose of a visit to the property, it shall be considered a Principal Recreational Outdoor Activity regardless of how it is characterized by the property owner. Nothing in this definition limits or supersedes protections afforded to qualifying farm operations under the Michigan Right to Farm Act (MCL 286.471 et seq.) and applicable Generally Accepted Agricultural and Management Practices (GAAMPs).

(135) **Recreational Outdoor Activity, Principal.** Outdoor amenities and activities designed to be experienced by the general public that constitute the primary use of the property, including uses that are independently ticketed, marketed, or sold by paid membership. Nothing in this definition limits or supersedes protections afforded to qualifying farm operations under the Michigan Right to Farm Act (MCL 286.471 et seq.) and applicable Generally Accepted Agricultural and Management Practices (GAAMPs).

(136) **Recreational Unit.** Recreational unit shall include Travel trailers, Camping trailer, Motor home, Truck camper, Slide-in-camper, and Chassis-mount camper as defined in Michigan Public Act 368 of 1978, as amended.

(137) **Recreational Unit Park.** Any parcel or tract of land under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units.

(138) Recreational Unit Sales. An establishment principally engaged in the sale or lease of new or used Recreational Units or Recreational Vehicles. The term includes the display and storage of units offered for sale or lease.

(139) **Recreational Vehicle.** Includes travel trailers, pickup campers, motor homes, folding tent trailers, boats and other watercraft, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment. See *Section 7.02*.

(140) Recreational Vehicle Storage. The keeping of one or more Recreational Vehicles on a lot when the vehicles are not in active use.

(141) **Registered Guest.** A person or people who stay overnight and have signed a guest register.

(142) **Rental of Non-Owner Occupied Dwelling, 30 Days or More.** The rental, lease, or occupancy of a dwelling that is not occupied by an owner as the owner's principal residence for a period of 30 consecutive days or more.

(143) **Rental, Short Term.** Any non-owner occupied dwelling that is rented, occupied, or used by any person for a period of less than 30 days.

(144) **Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and where the primary ingredients in the food and beverage provided are not grown, harvested, and processed on-site.

(145) **Retail Farm Processing Facility, with Indoor Sales.** A Retail Farm Processing Facility is an accessory use to a Farm Operation. The building or buildings used as part of the Retail Farm Processing Facility may contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). An indoor retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including Alcoholic Liquor. The facility shall also include direct access from a public road as well as parking, lighting and landscaping. (ADDED BY AMENDMENT 201)

(146) **Retail Farm Processing Facility, with Outdoor Seating Area.** A Retail Farm Processing Facility is an accessory use to a Farm Operation. The building or buildings used as part of the Retail Farm Processing Facility may contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale and/or retail sales. In addition to processing, the building(s) may also include a limited area indoors for retail sales to customers. Processing and retail sales shall be conducted within an entirely enclosed building(s). An indoor retail sales area may include a Tasting Room for the consumption of fresh or processed Raw Produce, including Alcoholic Liquor. In addition to a limited indoor retail sales area with a Tasting Room, a clearly defined outdoor seating area with limited seating capacity may be approved. The facility shall also include direct access from a public road as well as parking, lighting and landscaping. (ADDED BY AMENDMENT 201)

(147) Retail Stores. A business that sells products or provides services on the premises directly to consumers. More specifically defined uses remain governed by their specific definitions.

(148) **Riding Stables.** A facility where horses or other equines are boarded, rented, trained, or made available for riding lessons, trail riding, or similar organized recreational activities.

(149) **Right-of-Way.** A street, road, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles which, if used to establish a lot front, provides legal access. A right-of-way line is also known as a "Street Line."

(150) **Right to Farm Act.** The Michigan Right to Farm Act (Public Act 93 of 1981, as amended).

(151) **Road, Cul-de-sac.** A road of short length with one end terminated by a vehicular turnaround.

(152) **Road, Highway.** Any public thoroughfare in Peninsula Township, including Federal and State roads and highways.

(153) **Road, Local.** A public or private road designated a local road by the Grand Traverse County Road Commission which is intended primarily for access to abutting properties.

(154) **Road, Marginal Access.** A local road which is parallel and adjacent to arterial roads and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

(155) **Road, Primary.** Those roads of considerable continuity which are designated as primary roads by the Grand Traverse County Road Commission.

(156) **Road, Private.** A road approved by the Township Zoning Administrator or Township Board as meeting the published standards of Peninsula Township to serve as a private road for zoning purposes. It may include approved roads in a Condominium Project, but does not include alleys, easements, driveways, or the like unless they have been approved by the Township as private roads.

(157) **Road, Private Subdivision.** A private road in a subdivision approved by the Grand Traverse County Road Commission or Peninsula Township pursuant to the Plat Act (Act 288, P.A. of 1967 as amended).

(158) **Road, Sight Distance.** The unobstructed vision on a horizontal plane along a road centerline from a driver-eye height of 3.75 feet and an object height of 6 inches, unless otherwise defined by the Road Commission or Township Engineer.

(159) **Sawmill.** A manufacturing use involving the mechanical processing of logs into rough or finished lumber, including planning and sanding operations. Byproducts may include sawdust, slab, edging, and end trim.

(160) **Self Service Storage Facility.** One or more structures in a facility containing separate, individual, and private storage spaces leased or rented on individual leases.

(161) **Setback.** The minimum horizontal distance between the lot line and the closest roof eave (overhang or drip line) of the structure.

(a) Setback, Front. The minimum distance, extending the full lot width, between the structure and the front lot line.

(b) Setback, Rear. The minimum distance, extending the full lot width, between the structure and the rear lot line or between the structure and the easement line of an alley.

(c) Setback, Side. The minimum required distance, extending from the front setback to the rear setback, between the structure and the side lot line.

(d) Setback, Waterfront. The minimum required distance, extending the full lot width, between the structure and the Ordinary High Water Mark of a water body.

(162) Sewage Treatment and Disposal Installations. A facility or installation used for the collection, treatment, storage, processing, or disposal of sewage or wastewater, including treatment plants, lagoons, pumping stations, and related buildings and structures.

(163) **Shared Waterfront Ownership.** Property containing no dwelling with frontage on Grand Traverse Bay that is owned by more than one family through deed, land contract, non-exclusive easement or other form of ownership.

(164) **Shoreline.** The edge of a body of water, where the water and shore meet. (ADDED BY AMENDMENT 206)

(165) **Signs.** See definitions related to signs in *Section 10.02*.

(166) **Site Condominium Lot.** A parcel of land meeting the depth-to-width ratios and minimum lot area requirements of a lot within the zoning district in which it is located as part of a condominium development under Michigan's Condominium Act, being Public Act

59 of 1978, as amended. A "Site Condominium Lot" shall be the same as a "Site Condominium Unit."

(167) **Slope.** The rate of rise or fall of the natural terrain, expressed as a percentage, of an area with a single direction of slope. Slope is measured by the following formula: Slope = (V / H) x 100, where V = vertical distance between highest elevation and lowest elevation of a straight line drawn perpendicular to the sloping surface and H = horizontal distance of a straight line drawn perpendicular to the sloping surface. For example, a slope with a vertical distance of one foot and a horizontal distance of four feet is a 25 percent slope.

(168) Solar Energy Systems. A system or device that converts sunlight into electricity or thermal energy for on-site use, off-site distribution, or both.

(169) **Storage for Agricultural Products.** A building, structure, or area used primarily for the storage of Farm Products before processing, sale, or distribution, including barns, silos, bins, warehouses, and refrigerated storage buildings

(170) **Story, Half.** The uppermost story lying under a roof, the usable floor area of which does not exceed one-half of the floor area of the uppermost full story.

(171) **Story, Heigh of.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists. (ADDED BY AMENDMENT 204)

(172) **Street Line.** See "Right-of-Way."

(173) **Structure.** Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on or below the ground. Structures shall include but not be limited to buildings, manufactured homes, decks, patios, sidewalks, driveways, walls (including seawalls), fences, poles, antennae, swimming pools, billboards, signs, and towers, but not including: (a) access steps required to negotiate changes in site elevation; and (b) landscape mounds.

(174) Swimming Platform. A structure that serves as a platform for persons to enter and exit the water and typically includes at least one (1) ladder to climb up from the water. A Swimming Platform may be attached to a Dock or may be freestanding. (ADDED BY AMENDMENT 206)

(175) Swimming Pools. A permanent, nonportable structure or container, above or below grade, holding water more than 24 inches deep and intended for swimming or bathing.

(176) **Tasting Room.** A room in conjunction with a Retail Farm Processing Facility, including a Remote Tasting Room, where the following takes place; a) tasting of fresh and/or processed Raw Produce such as Alcoholic Liquor and non-alcoholic beverages; b) retail sales of Alcoholic Liquor and non-alcoholic beverages by the bottle for off-premises consumption; and c) sales of Alcoholic Liquor and non-alcoholic beverages by the glass for

on- premises consumption. (ADDED BY AMENDMENT 139A)(REVISED BY AMENDMENT 181)(REVISED BY AMENDMENT 201)

(177) Temporary Construction Buildings. A building not permanently affixed to the ground and permitted for a specified reason and period, such as during construction. Eagle also defines Temporary Use or Building as one permitted for a limited period under the ordinance.

(178) **Tenant House.** A house that is 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.

(179) **Tent.** A collapsible structure of canvas or other fabric stretched and sustained by poles.

(180) **Township Board.** Peninsula Township Board.

(181) **Use.** The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

(182) **Vested Right.** A Vested Right is a right protected by law that cannot be impaired or taken away without the owner's consent. (ADDED BY AMENDMENT 201)

(183) Veterinary Hospitals and Clinics. A licensed institution providing care, diagnosis, and treatment of sick or injured animals, including animals requiring medical or surgical attention and customary overnight pens or cages.

(184) **Viewshed.** An area designated as a Viewshed on the Prime Scenic Views Map adopted by the Township Board as Appendix 1 to the Purchase of Development Rights Ordinance, Ordinance #23, as amended. (ADDED BY AMENDMENT 201)

(185) **Wall.** A structural barrier, including gates when closed, constructed of masonry or other durable parts such as stone or other material designed and marketed for such use, or to define or enclose a specific area for the purpose of protection, privacy, or confinement.

(186) **Wall, Retaining Wall.** A vertically sloped wall constructed of concrete, durable wood, masonry, or other material, designed and constructed to resist the lateral displacement of soil.

(187) **Wall, Seawall.** An engineered structure for the protection of existing dwellings along the Great Lakes shoreline.

(188) **Warehouse / Warehousing.** Buildings, structures, or premises used for the storage, handling, assembly, fabrication, packaging, distribution, or sale of goods or materials, classified as follows:

(a) Warehousing, Light Industrial. A facility involving relatively low-intensity assembly, fabrication, packaging, processing, or conversion of previously processed materials into finished or partially finished products, where the operational characteristics and

materials used are unlikely to cause significant adverse effects on surrounding land uses. Incidental retail or wholesale sales may be permitted.

(b) Warehousing, General. A facility principally used for the indoor storage and handling of commercial goods, merchandise, materials, furniture, or similar products. This use may include incidental offices, loading, distribution, and limited outdoor storage, but does not include self-service storage facilities.

(c) Warehousing, Accessory to Retail. The storage and handling of products that are offered for retail sale on the same premises, provided that the retail establishment remains the principal use and the warehousing area is not operated independently for general storage, wholesale distribution, or fulfillment of off-site sales.

(189) **Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. A wetland may or may not be contiguous to the Great Lakes, an inland lake or pond, or a river or stream. This applies to public, commercial, and private lands regardless of zoning or ownership. Wetlands are regulated per part 303 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

(190) **Wholesale Farm Processing Facility.** A Wholesale Farm Processing Facility is an accessory use to a Farm Operation. The building or buildings may contain an area for processing equipment where Raw Produce is processed or packaged and prepared for wholesale sales. Processing shall be conducted within an entirely enclosed building(s). The facility shall also include direct access from a public road as well as parking, lighting and landscaping. (ADDED BY AMENDMENT 139A) (REVISED BY AMENDMENT 201)

(191) **Wind Energy Conversion System (WECS).** The approved form of abbreviation of "wind energy conversion system." WECS shall mean a combination of:

(a) A surface area, either variable or fixed, for utilizing the wind for electrical powers; and

(b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and

(c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

(d) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

(192) **Wind Energy Conversion System (WECS) Tower Height.**

(a) Horizontal Axis Wind Turbine Rotors. The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which

the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades;

(b) Vertical Axis Wind Turbine. The distance between the ground and the highest point of the WECS.

(193) **Wine.** The product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

(194) **Wireless Communications Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included in this definition are citizen band radio facilities, AM/FM radio towers, television towers, satellite dishes, federally licensed amateur radio facilities, or other similar facilities which are exempt from local regulation.

(195) **Wireless Communications Support Structure.** A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

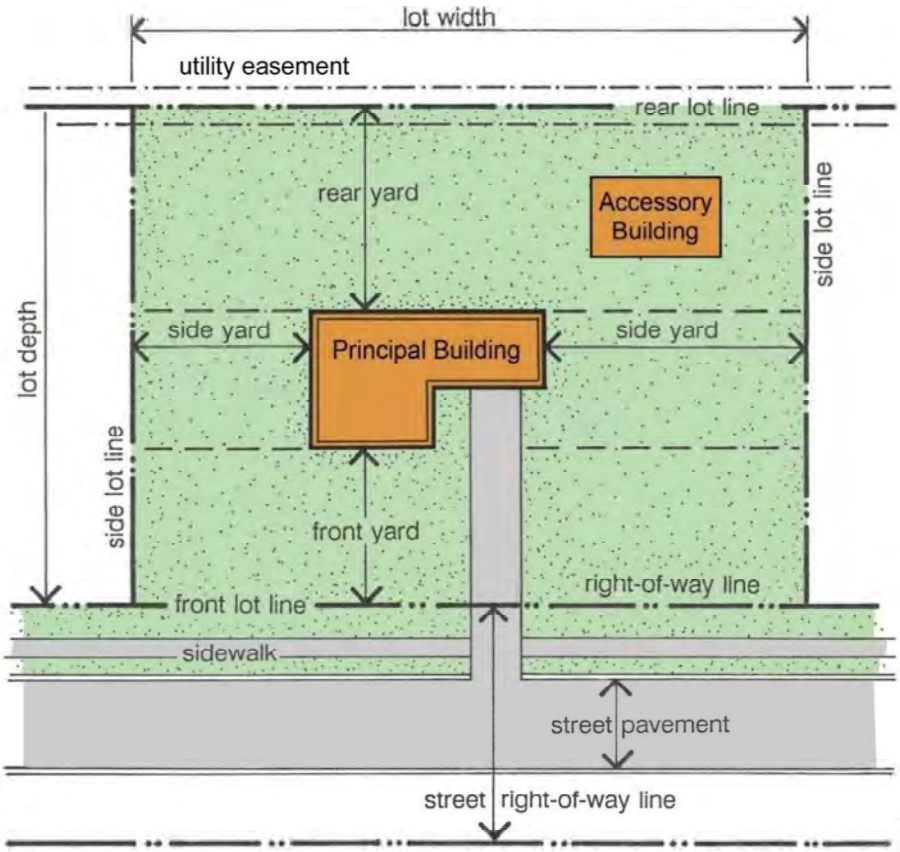
(196) **Yard.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the principal structure.

(197) **Yard, Front.** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal structure (see *Figure 2-4* below).

(198) **Yard, Rear.** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear line of the lot and the rear line of the nearest principal structure. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the principal structure (see *Figure 2-4* below).

(199) **Yard, Side.** A yard between the building and the side line of the lot and extending from the front yard to the rear yard. Any yard not defined as a front yard or rear yard shall be deemed a side yard (see *Figure 2-4* below).

Figure 2-4. Yard Terms


lot width
utility easement
rear lot line
rear yard
Accessory Building
side lot line
lot depth
side yard
Principal Building
side yard
side lot line
front yard
right-of-way line
front lot line
sidewalk
street pavement
street right-of-way line