



PENINSULA TOWNSHIP

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**PENINSULA TOWNSHIP
PLANNING COMMISSION
ZONING REWRITE AD HOC COMMITTEE AGENDA**

December 8, 2025

Peninsula Township Hall

13235 Center Road, Traverse City, MI 49686

1:00 p.m.

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments**
6. **Communications**
7. **Conflict of Interest**
8. **Approve Meeting Minutes**
 - a. November 10, 2025 Zoning Rewrite Ad-Hoc Committee Regular Meeting
9. **Business**
 - a. Ordinance Language Review & Discussion
 - i. Special Use Permit Approval Process
 - ii. C-1 Commercial Zoning District Land Uses
 - iii. Planning Commission Update: Signage, Accessory Dwelling Units, Backyard Chickens
 - iv. Zoning Rewrite Project Plan Update
 - b. Confirm Next Steps
 - i. Next Planning Commission Mtg: January X, 2026
 - ii. Next Zoning Rewrite Ad Hoc Committee Mtg: January XX, 2026
10. **Brief Citizen Comments**
11. **Committee Comments**
12. **Adjournment**

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

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Planning Commission Zoning Rewrite Ad Hoc Committee November 10, 2025, 1:00 p.m. Township Hall Minutes

1. **Call to Order by Beard at 1:04 p.m.**
2. **Pledge**
3. **Roll Call – Present:** Alexander, Beard, Hornberger; Township Planner of Record -- Elise Loud; **Virtual:** Brad Misner & Ethan Senti from McKenna Associates
4. **Approve Agenda**

Motion to approve the agenda as written made by Hornberger, seconded by Alexander.

Motion Passes

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

Jed Hemming, 2455 Nehtawanta Road: member of the Agricultural Advisory Committee, reported that the group is working on language for an updated agricultural ordinance. Explains that traditional large-scale farming is declining on the peninsula due to high land costs and limited parcel sizes, leaving small farms with few viable options. Currently, small producers can only sell under the state’s Cottage Food Law, which caps sales at about \$25,000 annually, preventing meaningful growth. Jed and fellow member Molly Stretten met with local agricultural entrepreneurs to identify barriers and are developing ordinance language that would align with Michigan’s Right to Farm Act and Generally Accepted Agricultural and Management Practices (GAAMPS). The proposal would create a framework allowing small farms to process and sell their products, with facility size scaled to parcel size, addressing issues such as setbacks, parking, and noise. He expects to present draft language after the next Ag Advisory Committee meeting to the Zoning Rewrite Committee, Planning Commission, and Township Board.

6. **Communications: none**
7. **Conflict of Interest: none**
8. **Approve Meeting Minutes**

- a. October 14, 2025 Zoning Rewrite Ad Hoc Committee Special Meeting

Motion to approve the minutes made by Alexander, seconded by Hornberger.

Motion Passes

9. **Business**

- a. Ordinance Language Review and Discussion
 - i. Signage

Committee reviewed McKenna’s draft sign ordinance and discussed a framework that categorizes signs by location (on- and off-premises) and duration (seasonal, temporary, and permanent). Conversation focused on general size limits, lighting standards, allowances for flags and feather flags, and restrictions on portable and A-frame signs. Members also emphasized the need to support home-occupation identification in residential areas while ensuring the ordinance complies with content-neutrality requirements under recent U.S. Supreme Court guidance. McKenna will return with a cleaned-up draft and questions for further review.

ii. Accessory Dwelling Units

Committee reviews a first-draft ADU ordinance aimed at allowing attached and detached units in R-zones and the Ag-zone with clear controls. Draft places ADU standards in section 7.21 and ties most dimensions to the principal dwelling (setbacks, height, lot coverage). A proposed 50,000 sq ft minimum lot size was not supported; members favor relying on existing limits—lot coverage, setbacks, and septic capacity—so more parcels may qualify. Staff cites current caps (e.g., R-1A one-acre lots with 15% lot-coverage) as workable and noted ADUs could often fit by converting space over garages. The draft includes an owner-occupancy rule for the principal dwelling and, as written, bans all rentals of ADUs; the group discussed optionally allowing long-term rentals while keeping a short-term rental prohibition. Minor edits were flagged. Members support ADUs to address housing flexibility and aging in place, while remaining wary of STR abuse. The item will go to the Planning Commission for feedback and policy choices on minimum lot size vs. performance standards and rental allowances.

iii. Chickens

Committee discusses proposed regulations for backyard chickens. Members agree the draft needed clearer distinctions between agricultural and residential zones. In the A-1 agricultural district, chickens already fall under Right-to-Farm provisions and are allowed to roam freely if kept in safe, sanitary conditions, so no new limits are needed there. The focus, instead, is on residential districts (R-1 zones), where the group supports allowing up to six hens, with no roosters, prohibiting slaughter, and requiring proper coops or enclosures. Members agree one chicken per quarter-acre, as written, was too restrictive and impractical. Discuss excluding guinea hens from residential areas due to noise, and debates whether to permit chickens in C-1 commercial districts. Because some C-1 parcels are still used as homes but could convert to businesses later, the issue will be sent to the Planning Commission for direction. McKenna will revise the draft so chicken provisions apply only to residential districts, maintain no limits in A-1, and clarify sanitation and enforcement language.

iv. Up Next: Commercial Land Uses Conceptual Feedback

McKenna presents framework comparing current permitted and special uses, noting that nearly all uses in the C-1 commercial district currently require special use permits. Asks whether some could instead be allowed by right—particularly restaurants with seating, retail, and service stations—if accompanied by clear operational standards addressing noise, lighting, parking, and outdoor activity. Members reviewed two potential approaches: (1) retaining the special use permit process but adding firm, consistent standards to guide applicants and commissioners alike; or (2) allowing some uses by right, provided they meet those standards. Both options aim to create more objective, enforceable criteria and avoid case-by-case discrepancies in permit conditions.

Several members favor keeping certain uses, especially restaurants serving alcohol, under the special use process due to concerns about hours, entertainment, and noise. Others support drafting specific performance standards to simplify reviews and improve predictability for applicants. Group agrees to maintain current use classifications for now while McKenna develops consistent ordinance standards for commercial uses—potentially paving the way for some by-right permissions in the future. Committee also agrees to fold food-truck regulations into the upcoming commercial use review. Revised language and draft standards will return for discussion at the December 8 zoning rewrite meeting, with the goal of clarifying expectations and aligning commercial oversight with community character.

b. Confirm Next Steps

i. Next Planning Commission Mtg: December 2, 2025

ii. Next Zoning Ad Hoc Committee Mtg: December 8, 2025

Committee wrapped up by confirming next steps and meeting schedules. The sign ordinance will be sent to the AAC for review at its upcoming meeting, and the PC will take it up on December 2. The zoning rewrite committee's December 8 meeting will focus on a deeper discussion of commercial land uses and potential "uses by right," along with informal feedback on the draft signage provisions based on the AAC's input.

10. Brief Citizen Comments:

Jed Hemming, 2455 Neahtawanta Road: said AAC expects to have draft ordinance language on small-acreage farming ready for the December 8 meeting.

11. Committee Comments: none

12. Adjournment

Motion by Alexander to adjourn, seconded by Beard.

Motion passes

Meeting Adjourned at 3:03 p.m.

DRAFT



Memorandum

TO: Peninsula Township Zoning Ordinance Rewrite Committee
FROM: Christopher Khorey, AICP
Ethan Senti, Assistant Planner
SUBJECT: Special Use Process Amendment Revisions as requested by Planning Commission
DATE: December 3, 2025

This memo summarizes recommended amendments to the draft Special Use Permit ordinance based on Planning Commission feedback. The full revised draft ordinance text is attached.

REVISIONS MADE

1. **Removal of the phrase “substantial improvement to the community” from Section 8.1.3 (Basis for Determination).** Planning Commissioners noted that this phrasing introduces an undesirable subjective element to the criteria. The sentence has been revised to objectively focus on mitigation of impacts associated with a proposed special use.
2. **Deletion of the criterion stating that a Special Use Permit must “not materially diminish the economic value of adjacent properties or the community as a whole” from Section 8.1.3 (Basis for Determinations).** This criterion was considered overly subjective and difficult to apply consistently. Subsequent criteria have been renumbered.
3. **Clarification that protections apply to both existing natural areas and existing landscaped plantings.** Section 8.1.3 has been amended to ensure that review criteria consider the preservation of natural resources as well as existing vegetation and planted site features. A parallel update was made within the minor amendment criteria in the SUP amendment process to ensure consistency.
4. **Temporary removal of the Use Table.** The table will be corrected and fully integrated into the district-specific standards during the ordinance reorganization process.

ITEMS REQUIRING FURTHER DISCUSSION

5. **Under the current draft, an amendment may not increase the footprint or height of any existing or proposed building or structure to be considered minor.** The Planning Commission expressed mixed views on whether small accessory structures should ever qualify as minor amendments. While no change to the criteria was recommended at this time, the Zoning Rewrite Committee should further examine whether certain accessory-structure modifications should be treated as minor.

Ordinance_____.

An ordinance to amend Article VIII: USES AUTHORIZED BY SPECIAL USE PERMIT of the PT Zoning Code to clarify the intent of using Special Use Permits (SUP), AND add a reference to uses requiring approval of a Special Use Permit AND amend Section 8.1.2(3)(a) to require review by the Planning Commission and a recommendation from that Body to the Township Boar AND amend Section 8.1.3(3)(f) Final Approval and Conditions to clarify the circumstances under which conditions may be imposed on the SUP, AND amend Section 8.1.3 Basis for Determinations to add additional general standards and renumber accordingly, AND to add a new Section_____creating a process for amending an existing SUP, AND adding definitions to the Zoning Code as appropriate.

ARTICLE VIII: USES AUTHORIZED BY SPECIAL USE PERMIT

SECTION 8.1 GENERAL STANDARDS AND REQUIREMENTS:

~~Section 8.1.1 Intent and Purpose: Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, this Ordinance intends to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will at the same time, maintain sound provisions for the protection of the health, safety, convenience, and general welfare of Township inhabitants. To provide controllable and reasonable flexibility, this Article permits a detailed review of certain specified types of land use activities which, because of their particular and unique characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, safeguards upon each use which are deemed necessary for the protection of the public welfare, may be reviewed and the standards set forth within the Ordinance shall be considered and determined by the Township Board upon recommendation by the Planning Commission before issuing such special use permits. The following Sections, together with previous references in other Articles of this Ordinance, designate specific uses that require a special use permit and in addition, specify the procedures and standards which must be met before such permit can be issued.~~

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.

The table below shows the land uses requiring Special Use in the Township’s Zoning Districts:

Commented [ES1]: Item 4

P=Permitted by Right without Specific Standards

P* = Permitted by Right with Specific Standards

SC= Permitted with Special Conditions

SU = Permitted by Special Use Permit

ZBA = Permitted by ZBA Approval

Blank = Not Permitted

Use	A-1	R-1A	R-1B	R-1C	R-1D	C-1
Accessory Buildings/Customary Incidental Buildings	P	P*	P*	P*	P*	
Adult Foster Care Facilities	SU					

Use	A-1	R-1A	R-1B	R-1C	R-1D	C-1
Agricultural Labor Camp, Unlicensed, <5 Residents	P					
Agricultural Labor Camp, Licensed	P					
Airports and Airfields	SU					
Animals: Keeping of Domestic Pets		P	P	P	P	
Animals: Keeping of Small Animals (Poultry, Rabbits, Goats)	P					
Animals: Keeping of Livestock (Cattle, Hogs, Horses, Sheep, and Similar)	P					
Animals: Raising of Fur Bearing Animals for Profit	SU					
Barn Storage	P*					
Bed and Breakfast Establishments	SU	SU	SU	SU	SU	
Boat Hoists and Docks		SU	SU	SU	SU	
Cemeteries, Public or Private	P					
Conservation Areas, Public or Private	P					
Day Care Homes, Family	P*	P*	P*	P*	P*	
Day Care Homes, Group	P*	P*	P*	P*	P*	
Decks and Storage		P*	P*	P*	P*	
Dwellings, Single Family	P	P	P	P	P	
Dwellings, Two Family	P	P	P	P	P	
Dwellings, Temporary	ZBA	ZBA	ZBA	ZBA	ZBA	
Day Care Homes, Family		P*	P*	P*	P*	
Day Care Homes, Group		P*	P*	P*	P*	
Entertainment (accessory to a Retail Farm Processing Facility)						
Farm Processing Facility, Retail, with Indoor Sales	SU					
Farm Processing Facility, Retail, with Indoor Sales and Outdoor Seating Area	SU					
Farm Processing Facility, Wholesale	P*					
Farm Stand	P*					
Food Processing Plant	SU					
General Farming and Horticultural Uses/Field Crop and Farming/Active Production/Farm Operation	P	P*	P*	P*	P*	
Golf Courses and Country Clubs	SU		SU	SU	SU	
Greenhouses and Nurseries	SU					
Guest House		P*	P*	P*	P*	
Home Occupations	P	SC	SC	SC	SC	
Hotels, Motels, and Tourist Courts						SU
Institutional Structures and Uses	SU	SU	SU	SU	SU	
Incinerators	SU					
Livestock Auction Yards	SU					
Marinas						SU
Mining and Removal of Topsoil	P*					
Mobile Homes (Outside of Mobile Homes Parks)	P*	SU	SU	SU	SU	
Mobile Home Park Developments					SU	
Outdoor Storage	P*					P*
Planned Unit Development	SU	SU	SU	SU	SU	
Public Buildings	SU					
Public Recreation/Public Areas and Public Parks	P*	P	P	P	P	
Recreational Unit Park	SU					
Rental of Non-Owner Occupied Dwelling		P*	P*	P*	P*	
Retail Stores and Shops (includes Restaurants and Offices)						SU
Riding Stables	SU					
Sanitary Fills, Sewage Treatment, and Disposal Installation	SU					
Self-Service Storage Facility						SU
Solar Energy Systems, Accessory Roof Mounted	P	P	P	P	P	P
Solar Energy Systems, Accessory Ground Mounted, <10 kW	P	P	P	P	P	P
Solar Energy Systems, Accessory Ground Mounted, 10-30 kW	P					
Solar Energy Systems, Principal Ground Mounted, 10-30 kW	SU					
Solar Energy Systems, Accessory Ground Mounted, >30 kW	SU					
Special Open Spaces	SU	SU	SU	SU	SU	
Storage for Agricultural Products	SU					
Storage of Trailer Units		P	P	P	P	
Tasting Room, Remote	SU					
Temporary Buildings		SC	SC	SC	SC	

Use	A-1	R-1A	R-1B	R-1C	R-1D	C-1
Tenant House for Farm Employees	P*					
Veterinary Hospitals, Clinics, and Kennels	SU					
Warehousing and Light Industrial	SU					
Wind Energy Conversion Systems	SU	SU	SU	SU	SU	SU
Wireless Telecommunication Antenna Towers	SU	SU	SU	SU	SU	SU

Section 8.1.2 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 Section 8.1.3.

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

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

(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 ~~a study by~~ the Planning [Commission for review and recommendation to the Township Board.](#)

(b) The Planning Commission ~~may shall~~ 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.

1. The content of the notice shall:

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

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

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

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

(5) 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.

2. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered.

3. The notice shall be delivered personally or by mail to:

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

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

iii. 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:

1. 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.

2. 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.

1. 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.

2. Reasonable conditions may be required with the approval of a special use permit, ~~to the extent authorized by law, for the purpose of insuring that~~planned unit development, or other land uses or activities permitted by discretionary decision to the extent 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~~ing the natural environment and ~~conserving~~conserve natural resources and energy, ~~insuring to ensure~~ compatibility with adjacent uses of land, and ~~promoting~~to promote the use of land in a socially and economically desirable manner.

3. 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)

(4) Phasing.

(a) 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.

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

(5) Commencement and Completion.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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)

(6) 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)

Section 8.1.3 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, shall be satisfied.

(1) General Standards: The Township 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.

~~(a)~~(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.

~~(b)~~ Be a substantial improvement to property in the immediate vicinity and to the community.

Commented [ES2]: Item 1

~~as a whole.~~

(c) 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.

Commented [ES3]: Item 3

(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 adversely affect or be hazardous or disturbing to existing or future uses in the same general vicinity, and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.~~

Commented [ES4]: Item 1

(e) 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 materially diminish the economic value of adjacent properties or the community as a whole.~~

Commented [ES5]: Item 2

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

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

(2) Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for 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.

Section 8.1.3 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 ~~number~~ quantity or quality of existing natural areas or ~~of~~ landscape plantings.
- (g) The amendment will not remove any land from active agricultural production, compared to the original approval.

Commented [ES6]: Item 5

Commented [ES7]: Item 3

(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.



Memorandum

TO: Zoning Ordinance Rewrite Committee
FROM: **Christopher Khorey, AICP, Vice President**
Ethan Senti, Assistant Planner
SUBJECT: **Commercial Land Use Standards**
DATE: December 3, 2025

At the November Zoning Rewrite Committee meeting, McKenna presented recommendations for refining the Township’s use of Special Use Permits (SUPs), particularly within the Commercial District. As a follow-up, McKenna has prepared draft language that (1) introduces targeted use standards for restaurant and retail uses, and (2) allows these common commercial uses by right rather than through SUP review. While some hesitation was expressed about this shift, permitting restaurants and retail by right is standard practice and offers a clearer, more consistent regulatory approach-- especially given recent challenges in applying SUP criteria uniformly. The attached draft language is intended to address the specific impacts that originally motivated SUP requirements.

ISSUES ADDRESSED IN PROPOSED STANDARDS

Discussion around commercial uses has raised concerns about the impacts of these establishments (restaurants & retail) on surrounding land uses. The proposed ordinance language addresses the following issues:

- Outdoor seating and related impacts
- Live or recorded entertainment
- Traffic generation and parking demand
- Noise
- Lighting
- Trash pickup and removal
- Hours of operation

PROPOSED USE STANDARDS

Proposed ordinance language for the following uses is attached:

- Food Establishments - Service Oriented
- Outdoor Seating and Entertainment
- Retail Establishments



SECTION X.X FOOD ESTABLISHMENTS – SERVICE-ORIENTED USE STANDARDS

A. Purpose. To ensure that service-oriented food establishments operate in a manner compatible with surrounding properties by addressing operational impacts such as noise, lighting, litter, deliveries, hours, and traffic during routine commercial activity.

B. Definition. An area or structure in which the principal use is the preparation and sale of food and beverages for consumption on premises, including restaurants, cafés, coffee shops, ice cream shops, taverns, and similar establishments.

Operations may or may not include outdoor seating areas or outdoor food service, but the operation does not include a drive-thru or drive-in facility.

B. Applicability. These standards apply to all service oriented food establishments. Outdoor seating and entertainment, if provided, shall also comply with the standards of **Section X.X Outdoor Seating and Entertainment.**

C. General Operational Standards

1. Noise. Food Establishments shall comply with the **Township Noise Ordinance #40 (2010 Amendment).** Noise from mechanical equipment, deliveries, trash removal, or patron activity shall not create a nuisance to adjacent residential uses.

2. Lighting. All exterior lighting related to restaurant operations shall comply with **Section 8.07 Exterior Lighting (2019 DRAFT).**

4. Litter.

- a. Restaurants shall maintain the site in a clean and orderly condition at all times.
- b. Employees shall collect litter within 300 feet of the property at least once per business day.
- c. On-site waste and recycling containers shall be maintained to prevent overflow or scattering of materials.

5. Trash Storage and Removal

- a. Dumpsters and grease tanks shall be fully enclosed and screened from public view on all sides by a wood fence or decorative brick wall that is six feet high, with an operating opaque gate. The enclosure and gate shall be kept in good repair at all times.
- b. Trash removal and dumpster servicing shall not occur before 7:00 a.m. or after 8:00 p.m., unless otherwise approved by the Township.

6. Screening and Landscaping. Screening and landscaping shall comply with the standards set forth in **Section 8.08 Screening and Landscaping (2019 DRAFT).**

7. Hours of Operation.

- a. The hours of operation for the outdoor seating area shall be shown on the site plan and are subject to Township approval.
- b. Outdoor entertainment and seating areas shall not open to the public prior to 6:00 a.m. nor shall it remain open after 12:00 p.m.

8. Parking, Loading, and Access Management.

- a. Parking, loading, and access management shall be provided in accordance with **Article 9 (2019**



DRAFT):

b. Outdoor seating (where applicable) shall be included in the calculation of required parking.

9. Public Safety and Agency Review. All restaurants shall comply with applicable Fire Department, County Health Department, and State licensing requirements, as well as any additional reviewing agency

10. Outdoor Seating and Entertainment. Where outdoor seating is provided, the establishment shall comply with **Section X.X Outdoor Seating and Entertainment.**

SECTION X.X. OUTDOOR SEATING AND ENTERTAINMENT USE STANDARDS

A. Purpose. To ensure that outdoor seating and entertainment uses operate in a manner compatible with surrounding properties by addressing operational impacts such as noise, lighting, litter, deliveries, hours, and traffic.

B. Definition. An outdoor area such as a patio or deck immediately adjacent to a service oriented food establishment used for outdoor dining or entertainment.

B. Applicability. These standards apply to any service oriented food establishments including an outdoor seating and entertainment use.

C. Review Procedure

1. **Existing establishments** adding outdoor seating shall submit a site plan to the Zoning Administrator for review of compliance with these standards.
2. **New establishments** proposing outdoor seating shall have the outdoor seating area reviewed as part of Planning Commission Site Plan Approval.

D. General Operational Standards

1. **Noise.** Outdoor seating areas may include live or recorded music; however, establishments with amplified music shall comply with the **Township Noise Ordinance #40 (2010 AMENDMENT).**
2. **Lighting.** All outdoor seating and entertainment lighting shall comply with **Section 8.07 Exterior Lighting (2019 DRAFT).**
3. **Litter.**
 - a. Outdoor seating and entertainment areas shall maintain the site in a clean and orderly condition at all times.
 - b. Employees shall collect litter within 300 feet of the property at least once per business day.
 - c. On-site waste and recycling containers shall be maintained to prevent overflow or scattering of materials.
4. **Screening and Landscaping.** Screening and landscaping shall comply with the standards set forth in **Section 8.08 Screening and Landscaping (2019 DRAFT).**
5. **Hours of Operation.**
 - a. The hours of operation for the outdoor seating area shall be shown on the site plan and are subject to Township approval.
 - b. Outdoor entertainment and seating areas shall not open to the public prior to 6:00 a.m. nor shall it remain open after 12:00 p.m.



6. **Parking, Loading, and Access Management.**
 - a. Parking, loading, and access management shall be provided in accordance with **Article 9 (2019 DRAFT)**.
 - b. Outdoor seating (where applicable) shall be included in the calculation of required parking.
7. **Public Safety and Agency Review.** All restaurants shall comply with applicable Fire Department, County Health Department, and State licensing requirements.

SECTION X.X RETAIL USE STANDARDS

A. Purpose. To ensure that retail establishments operate in a manner compatible with adjacent land uses by addressing lighting, site maintenance, trash management, deliveries, and operational impacts while allowing retail uses by right in applicable commercial districts.

B. Applicability. These standards apply to all retail establishments, shops, stores, markets, and similar facilities where goods or merchandise are sold directly to consumers.

C. General Operational Standards

1. Lighting. All exterior lighting associated with retail operations, parking lots, and building entrances shall comply with **Section 8.07 Exterior Lighting (2019 DRAFT)**.

2. Litter.

- a. Outdoor seating and entertainment areas shall maintain the site in a clean and orderly condition at all times.
- b. Employees shall collect litter within 300 feet of the property at least once per business day.
- c. On-site waste and recycling containers shall be maintained to prevent overflow or scattering of materials.

3. Trash Storage and Removal

- a. Dumpsters shall be fully enclosed and screened from public view shall be fully enclosed and screened from public view on all sides by a wood fence or decorative brick wall that is six feet high, with an operating opaque gate. The enclosure and gate shall be kept in good repair at all times..
- b. Trash removal and dumpster servicing shall not occur before 7:00 a.m. or after 8:00 p.m., unless otherwise approved by the Township.

4. Screening and Landscaping. Screening and landscaping shall comply with the standards set forth in **Section 8.08 Screening and Landscaping (2019 DRAFT)**.

5. Parking, Loading, and Access Management. Parking, loading, and access management shall be provided in accordance with **Article 9 (2019 DRAFT)**.

6. Public Safety and Agency Review. All retail establishments shall comply with applicable Fire Department, County Health Department, and State licensing requirements.

Project Plan V4: Dated July 31, 2025

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

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

Subcommittee Members

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

Project Process

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

Public Participation

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

Project Timeline

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

September 2025

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

Project Plan V4: Dated July 31, 2025

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

October 2025

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

November 2025

- Continue with land use standards.

December 2025

- Finish land use standards. (Won't be finished with land use standards in December)

January 2026

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

February 2026

- Begin shoreline/floodplain. Tackle viewsheds, setbacks, landscaping, uses allowed within/along shoreline and floodplain.

March 2026

- Continue with shoreline/floodplain.

April 2026

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

May 2026

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

June 2026

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

July 2026

- Staff/consultant team codify ordinance text for review.

Project Plan V4: Dated July 31, 2025

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

- Plan public input event for August.

August 2026

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

September 2026

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

By December 2026

- Township Board Decision