

Additional Zoning Ordinance Revisions –Comments from Zoning Department and reviewed by Planner for PC meeting. To be incorporated in draft under consideration at 10-19-20 Public Hearing.

Page Comment

2-2 Add definition of Affiliated Farm

Current Draft	Proposed
NA	(6) Affiliated Farm. Affiliated Farm means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities.

2-5 Deck definition: what about on-grade deck?

Current Draft	Proposed
(34) Deck. A platform, either freestanding or attached to a building, that is supported by pillars or posts.	(34) Deck. A platform, either freestanding or attached to a building, at or above grade.

2-13 Clarify definition of roadside stand: Remove requirements from definition

Current Draft	Proposed
(113) Roadside Stand. A structure or display area used for selling fresh or processed farm produce and products grown on the Old Mission Peninsula. Such farm stands must be operated as an accessory use of a farm.	(113) Roadside Stand. A structure or display area used for selling fresh or processed farm produce.

2-14

Update Structure Definition

Current Draft	Proposed
<p>(133) 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 more than four feet in height, poles, antennae, swimming pools, billboards, signs, boat and jet ski hoists, and towers but shall not include access steps required to negotiate changes in site elevation and landscape mounds.</p>	<p>(133) 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 (including pavers), driveways, walls (including seawalls), fences more than four feet in height, poles, antennae, swimming pools, billboards, signs, boat and jet ski hoists, and towers but shall not include access steps required to negotiate changes in site elevation and landscape mounds.</p>

3-13

Change paragraph title to “shared waterfront ownership property docks.”

Current Draft	Proposed
<p>(e) Shared Waterfront Docks. Docks and hoists on shared waterfront properties are allowed provided that each property owner provides to the zoning administrator such owner’s written consent to</p>	<p>(e) Shared Waterfront Ownership Property Docks. Docks and hoists on shared waterfront properties are allowed provided that each property owner provides to the zoning administrator such owner’s written consent to the sharing arrangement and provided that such arrangement</p>

the sharing arrangement and provided that such arrangement does not result in any more docks or hoists than would otherwise be allowed.	does not result in any more docks or hoists than would otherwise be allowed.
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3-15 Delete required approval by Township Engineer; adds unnecessary cost and time delay.

Current Draft	Proposed
(a) A registered engineer has submitted a certified report that all other options have been reviewed to protect the property and a seawall is the only feasible option. This report must be submitted to the zoning administrator and must be approved by the township engineer;	(a) A registered engineer has submitted a certified report that all other options have been reviewed to protect the property and a seawall is the only feasible option. This report must be submitted to the zoning administrator.

4-1 Schedule of Regulations: Add minimum principal structure width in Ag and change structure coverage in A-1 from N/A to “25% for lot area less than 5A

Existing

Zoning District	Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback per Lot in Feet from Each			Ordinary High Water Mark Setback	Maximum % of Lot Area Covered by All Structures	Minimum Building Width (Principal Structure)
	Area	Width (ft.)	Stories	Feet	Front	Side	Rear			
R-1A, Rural and Hillside	One acre	150 <i>(A)</i>	2.5 <i>(B)</i>	35 <i>(B)</i>	30 <i>(I)</i>	15 <i>(I)</i>	30 <i>(I)</i>	60 <i>(C)</i>	15%	24 feet
R-1B, Coastal Zone, One- and Two-Family	25,000 sq. ft.	100 <i>(A)</i>	2.5 <i>(B)</i>	35 <i>(B)</i>	30 <i>(I)</i>	15 <i>(I)</i>	30 <i>(I)</i>	60 <i>(C)</i>	15%	24 feet
R-1C, Suburban Residential, One- and Two-Family	20,000 sq. ft.	100 <i>(A)</i>	2.5 <i>(B)</i>	35 <i>(B)</i>	25 <i>(I)</i>	15 <i>(I)</i>	30 <i>(I)</i>	60 <i>(C)</i>	25%	24 feet

R-1D, Community Residential, One- and Two-Family	15,000 sq. ft.	100 (A)	2.5 (B)	35 (B)	25 (I)	15 (I)	30 (I)	60 (C)	30%	24 feet
R-1A PUD; R-1B PUD; R-1C PUD; R-1A PUD	(D)	(D)	2.5 (B)	35 (B)	30 (D)	15 (D)	30 (D)	60 (C)	15%	24 feet
C-1, Commercial	25,000 sq. ft.	150	2.5 (B)	35 (B)	35	10	30	60 (C)	35%	N/A
A-1, Agricultural	Five acres (H) (J)	330 (F), (G), (H)	2.5 (B)	35 (B)	35 (I), (J)	50 (E), (I)	50 (E), (I)	60 (C)	N/A	N/A

Proposed

Zoning District	Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback per Lot in Feet from Each			Ordinary High Water Mark Setback	Maximum % of Lot Area Covered by All Structures	Minimum Building Width (Principal Structure)
	Area	Width (ft.)	Stories	Feet	Front	Side	Rear			
R-1A, Rural and Hillside	One acre	150 (A)	2.5 (B)	35 (B)	30 (I)	15 (I)	30 (I)	60 (C)	15%	24 feet
R-1B, Coastal Zone, One- and Two-Family	25,000 sq. ft.	100 (A)	2.5 (B)	35 (B)	30 (I)	15 (I)	30 (I)	60 (C)	15%	24 feet
R-1C, Suburban Residential, One- and Two-Family	20,000 sq. ft.	100 (A)	2.5 (B)	35 (B)	25 (I)	15 (I)	30 (I)	60 (C)	25%	24 feet
R-1D, Community Residential, One- and Two-Family	15,000 sq. ft.	100 (A)	2.5 (B)	35 (B)	25 (I)	15 (I)	30 (I)	60 (C)	30%	24 feet
R-1A PUD; R-1B PUD; R-1C PUD; R-1A PUD	(D)	(D)	2.5 (B)	35 (B)	30 (D)	15 (D)	30 (D)	60 (C)	15%	24 feet
C-1, Commercial	25,000 sq. ft.	150	2.5 (B)	35 (B)	35	10	30	60 (C)	35%	N/A
A-1, Agricultural	Five acres (H) (J)	330 (F), (G), (H)	2.5 (B)	35 (B)	35 (I), (J)	50 (E), (I)	50 (E), (I)	60 (C)	25% if lot area is less than 5 acres	24 feet

5-2 Minimum Site Area (PUD): Clarify

Current Draft	Proposed
(D)(1) Minimum Site Area. The planned unit development project shall not be fewer than 20 acres in area, shall be under the control of one owner or group of owners, and shall	(D)(1) Minimum Site Area. The planned unit development project shall not be fewer than 20 acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit. In unique

<p>be capable of being planned and developed as one integral unit. In unique circumstances, the project acreage requirement may be reduced if an applicant can clearly and convincingly demonstrate that a PUD development scenario would be significantly superior to a conventional development scenario in terms of the objectives and intent of a PUD.</p>	<p>circumstances, the project acreage requirement may be reduced if an applicant can clearly and convincingly demonstrate that a PUD development scenario would be significantly superior to a conventional development scenario in terms of the Intent, Purpose and Objectives of a PUD pursuant to Section 5.01(A) (C).</p>
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6-8 Home Occupations and Garage Sales. Remove garage sales from uses not requiring a permit and create a more generic category of land use called private party sales. Update Use Table accordingly.

Current Draft	Proposed
<p>(B) Allowable Uses Not Requiring a Permit. The following incidental uses are allowed and do not need a permit:</p> <p>(1) Garage sales, provided they occur not more than twice in any calendar year.</p>	<p>(B) Allowable Uses Not Requiring a Permit. The following incidental uses are allowed and do not need a permit:</p> <p>(1) Garage sales, provided they occur not more than twice in any calendar year.</p>

Current Draft (NA)	Proposed
	<p>7.13 Private Party Sales Private party sales, including garage sales or estate sales, do not require a land use permit and may take place for a duration of up to three consecutive days and up to twice per calendar year. All items offered for sale or free must be located within the required setbacks for a principal structure in</p>

	<p>zoning district in which it is located. Private party vehicles for sale, including cars, boats and recreational vehicles may not be located within a road right-of-way.</p>
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Current Draft	Proposed
Tables in Section 3.06 – 3.12	<p>In each table, add under (B) Uses by right</p> <p>Private Party Sales (Section 7.13)</p>

6-15 Replace “public thoroughfare” – undefined, with “Primary Road” – defined.

Current Draft	Proposed
(a) Each mobile home park shall be provided with a paved entrance or exit drive off a public thoroughfare.	(a) Each mobile home park shall be provided with a paved entrance or exit drive off a primary road.

6-20 Update Section of Rental of Dwellings

Current Draft	Proposed
<p>Section 6.26 Rental of Dwellings The minimum length of time that a dwelling may be rented, in conformance with the intent of the ordinance, is 30 days. This does not include rental of units within a bed and breakfast or a guest rooms at a winery-chateau.</p>	<p>Section 6.26 Rental of Dwellings The minimum length of time that a dwelling (or portion of a dwelling) may be rented or occupied by persons who are not members of a family (as defined in Article 2) is 30 days, unless such dwelling is included within an approved bed and breakfast or winery-chateau. Whenever a property owner advertises a dwelling (or portion of a dwelling) for rent for less than 30 days to persons who are not members of a family, sufficient intent to violate this section of the Ordinance will be deemed to exist.</p>

8-6

Exterior Lighting Standards: Clarify full shielding and edit graphic.

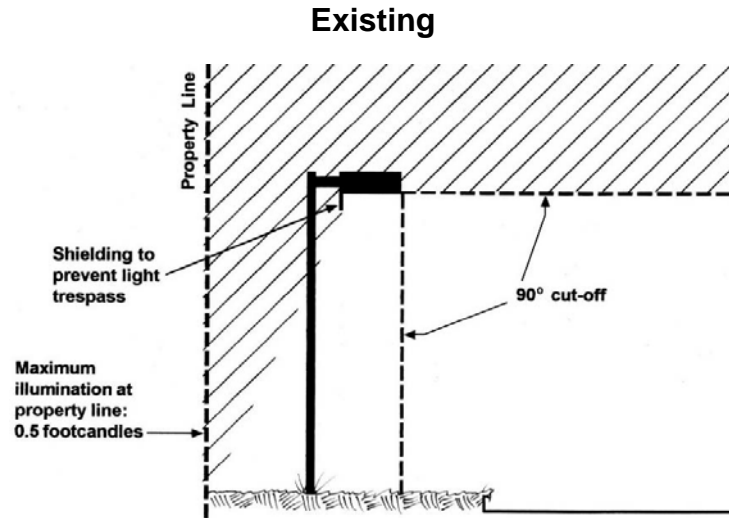
Current Draft	Proposed
<p>(3) Full Shielding. A technique or method of construction that causes light emitted from an outdoor light fixture or any bright reflecting section to be such that the light source and any bright reflecting surface is not visible above the shield horizontal plane or beyond the boundaries of the property.</p>	<p>(3) Full Shielding. A technique or method of construction that causes light emitted from an outdoor light fixture or any bright reflecting section to be such that the light source and any bright reflecting surface is not visible above the shield horizontal plane, or boundaries of the property, with luminous intensity exceeding 0.5-foot candles at ground level.</p>

8-7

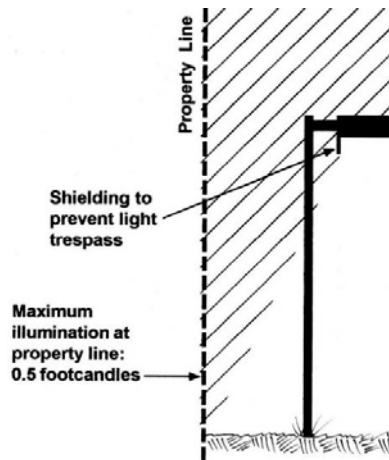
Current Draft	Proposed
<p>(a) All new outdoor light fixtures shall have full shielding unless otherwise permitted. Full cut-off fixtures shall be used to prevent light from projecting above a 90-degree horizontal plane. Additionally, the light trespass from a property shall not exceed 0.5 foot candles at the property line, measured five feet from the ground (see Figure 8-1, below);</p>	<p>(a) All new outdoor light fixtures shall have full shielding. The light trespass from a property shall not exceed 0.5-foot candles at the property line, (see Figure 8-1, below);</p>

8-7

Amend graphic (8-1) to eliminate ambiguity with regard to light spillover



Proposed



10-6

Prohibited Signs: (s) Signs within ROW ... Add "Township Zoning Administrator and/or Ordinance Enforcement Office has authority to

impound sign in ROW at the direction of the GTCRC or MDOT and hold as evidence.

Current Draft	Proposed
(S) Signs within a road right-of-way except traffic direction and control signs placed by the Grand Traverse County Road Commission or Michigan Department of Transportation;	(S) Signs within a road right-of-way except traffic direction and control signs placed by the Grand Traverse County Road Commission or Michigan Department of Transportation. The Township Zoning Administrator and/or Ordinance Enforcement Office, upon the direction of the GTCRC or MDOT, has the authority to impound and hold as evidence any sign in the ROW that is a “prohibited sign.”

11-1

Non-conforming parcels: language says that buildings may be erected on a n/c parcel; that makes all lots buildable, even n/c lots on waterfront that has no pre-existing dwelling.

Current Draft	Proposed
<p>Nonconforming Parcels</p> <p>(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 conform to the regulations for the district in which the parcel is located.</p>	<p>Nonconforming Parcels</p> <p>(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 conform to the regulations for the district in which the parcel is located. However, in instances where one or more nonconforming parcels are adjacent, and held under the same ownership, such parcels shall be combined to the</p>

	extent necessary to create a conforming parcel.
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13-6 Update / Clarify Site Plan Review Table:

Current Draft	Proposed
<p>(A) Uses Requiring Site Plan Review 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 or planning director 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:</p>	<p>(A) Uses Requiring Site Plan Review Site Plans are required with all applications for land use permits and special use permits. The required content of site plans is indicated in (B) below and site plans are approved either as part of a special use approval, or may be administratively approved as part of a land use permit application process. Administrative review procedures do not modify any ordinance, regulation, or development standard. The type of review is based on the development activity as follows:</p>

Current

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: <ul style="list-style-type: none"> • No variances to the ordinance are required; 		✓

<ul style="list-style-type: none"> • 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. 		
<p>(6) Remodeling or construction of an addition to an existing building or use, provided all of the following are true:</p> <ul style="list-style-type: none"> • 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. 		✓
<p>(7) Co-location of wireless communication facilities (see Section 6.37)</p>		✓
<p>(8) Wireless communication facilities or replacement of an existing wireless communication support structure (see Section 6.37)</p>	✓	

Development Activity	SUP/PUD Site Plan Review	LUP Administrative Review
<p>(1) 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.</p>		✓
<p>(2) Single-family and two-family residences in the A-1 zoning district, and their customary permitted and accessory uses and farm buildings and operations.</p>		✓
<p>(3) All uses in the C-1 zoning district.</p>	✓	
<p>(4) Any use or development involving a special land use</p>	✓	
<p>(5) Re-occupancy of a building, provided all of the following are true:</p> <ul style="list-style-type: none"> • 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. 		✓
<p>(6) Remodeling or construction of an addition to an existing building or use, provided all of the following are true:</p> <ul style="list-style-type: none"> • 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. 		✓
<p>(7) Co-location of wireless communication facilities (see Section 6.37)</p>		✓
<p>(8) Wireless communication facilities or replacement of an existing wireless</p>	✓	

13-21

Delete sentence “If such violation has not abated ... violation has been sent.” Add sentence: “A violation of this Ordinance shall be deemed to be a municipal civil infraction as defined by Michigan statute.”

Current Draft	Proposed
<p>(A) Violations and Penalties Any person, firm, association, corporation, company, or other entity that 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 seven 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</p>	<p>(A) Violations and Penalties Any person, firm, association, corporation, company, or other entity that 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. A violation of this Ordinance shall be deemed to be a municipal civil 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.</p>

<p>such additional sanctions and judicial orders as authorized under Michigan law. Provisions of this ordinance may also be enforced by suit for injunctive relief.</p>	
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2-11 Update Nonconforming Definition

Current Draft	Proposed
<p>(87) Nonconforming Building, Nonconforming Structure, or Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance that does not conform to the regulations of the district or zone in which it is situated.</p>	<p>(87) Nonconforming Building, Nonconforming Structure, Nonconforming lot or Nonconforming Use. The condition of a building, structure, lot or use of land existing on the effective date of this ordinance that does not conform to one or more of the applicable zoning regulations.</p>