PENINSULA TOWNSHIP ZONING ORDINANCE

A LAND USE CODE

PENINSULA TOWNSHIP

GRAND TRAVERSE COUNTY

TRAVERSE CITY, MICHIGAN 49686

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Amendment #204

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PENINSULA TOWNSHIP ZONING ORDINANCE
ORDINANCE NO. 2

An Ordinance to amend the Peninsula Township Zoning Ordinance designated as an Ordinance to establish zoning districts and regulations in the Township of Peninsula, County of Grand Traverse and State of Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943 as amended; to define certain terms used herein; to provide for regulations governing nonconforming uses and structures; to establish a Board of Appeals and define its duties and powers; to provide for the administration and enforcement; to provide for amendment; and to provide penalties for the violation of this Ordinance.

THE TOWNSHIP OF PENINSULA

ORDAINS: PREAMBLE

The Peninsula Township Zoning Ordinance is hereby amended to provide as follows, viz:

ARTICLE I: SHORT TITLE

This Ordinance shall be known as Peninsula Township Zoning Ordinance" and will be referred to herein as "this Ordinance."

ARTICLE II: INTERPRETATION

SECTION 2.1 PURPOSES:

The purposes of this Ordinance are to protect the public health, safety, morals and general welfare of the inhabitants of the Township; to provide for adequate light, air and convenience of access to secure safety from fire and other dangers; to 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; to provide for the orderly development of the Township; to encourage the use of lands and resources of the Township in accordance with their character and adaptability; to provide for safety in traffic, adequacy of parking and reduce hazards to life and property; to facilitate the development of adequate systems of fire protection, education, recreation, water supplies and sanitary facilities; and to conserve life, property, natural resources and the use of public funds for public services and improvements to conform with the most advantageous use of lands, resources and properties.

SECTION 2.2 SCOPE:

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of law or ordinance, except as hereinafter 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; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such private restrictions, the provisions of this Ordinance shall control.

ARTICLE III: DEFINITIONS

SECTION 3.1 RULES APPLYING TO THE TEXT:

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

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

(2) The word "person" includes a corporation or firm as well as an individual.

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

(4) The word "lot" includes the word "plot", "tract", or "parcel".

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

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

(7) Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

SECTION 3.2 DEFINITIONS:

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Building: A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

Accessory On-site Solar Energy System: An area of land or other area used for a solar collection system that captures solar energy and converts it to electrical energy for on-site use. An accessory on-site solar energy system is an accessory use subordinate to the principal use, consisting of one or more free-standing ground, or roof mounted solar panels intended to reduce on-site consumption of utility power supplied from the grid. Accessory on-site solar energy systems are associated with off-grid applications and net metering programs. **(ADDED BY AMENDMENT 200)**

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.

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)**

Adequate Permanent Access: An easement or right-of-way of sufficient width for roadway and snow storage purposes without infringing on neighboring or adjacent property. The minimum adequate permanent access shall be thirty-three (33) feet in width.

Adjacent - Adjoining Area: That area of the Township bounded by major thoroughfares as described in the Township Major Thoroughfare Plan requiring the same land use designation in the Comprehensive Land Use Plan of Peninsula Township.

Adult Foster Care Facility: A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility shall include homes for the aged.

Agricultural Labor Camp: An agricultural labor camp means a tract of land and all buildings or other structures pertaining thereto, all or part of which is established, occupied, or used as living quarters for less than five (5) migrant farm laborers engaged in agricultural activities, including related food processing. **(ADDED BY AMENDMENT 90) (REVISED BY AMENDMENT 166B)**

Licensed Agricultural Labor Camp: An agricultural labor camp for migrant farm laborers licensed by the State of Michigan. **(ADDED BY AMENDMENT 90) (REVISED BY AMENDMENT 166B)**

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)**

Alterations: Any modification, additions, or change in construction or type of occupancy, 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.

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)**

Bed and Breakfast Establishment: Means a private residence that offers sleeping accommodations to transient tenants in 3 or fewer rooms for rent, is the owner's residence in which the owner resides while renting the rooms to transient tenants and serves breakfasts at no extra cost to its transient tenants. **(REVISED BY AMENDMENT 136)**

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

Board of Appeals: Peninsula Township Board of Appeals.

Boarding of livestock: Providing care, custody and control of livestock for others, with or without remuneration, on agricultural land or in buildings incidental to the use for agricultural purposes but not for hourly rental of animals and not a petting farm. **(ADDED BY AMENDMENT 155A)**

Boat Hoist: A device to raise and/or store boats above or out of the water. Included are shore stations, hoists, inclined ramps with carts on rails or similar devices. **(REVISED BY AMENDMENT 109A**)

Boat House: An enclosed structure designed for the use and storage of private boats and marine equipment having a maximum height of eleven (11) feet and a maximum area of 300 square feet.

Boat Livery: A boat livery is hereby defined and declared to be any structure, site or tract of land utilized for the storage, servicing or rental of boats and for the sale of hunting and/or fishing tackle, equipment, boats and etc.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

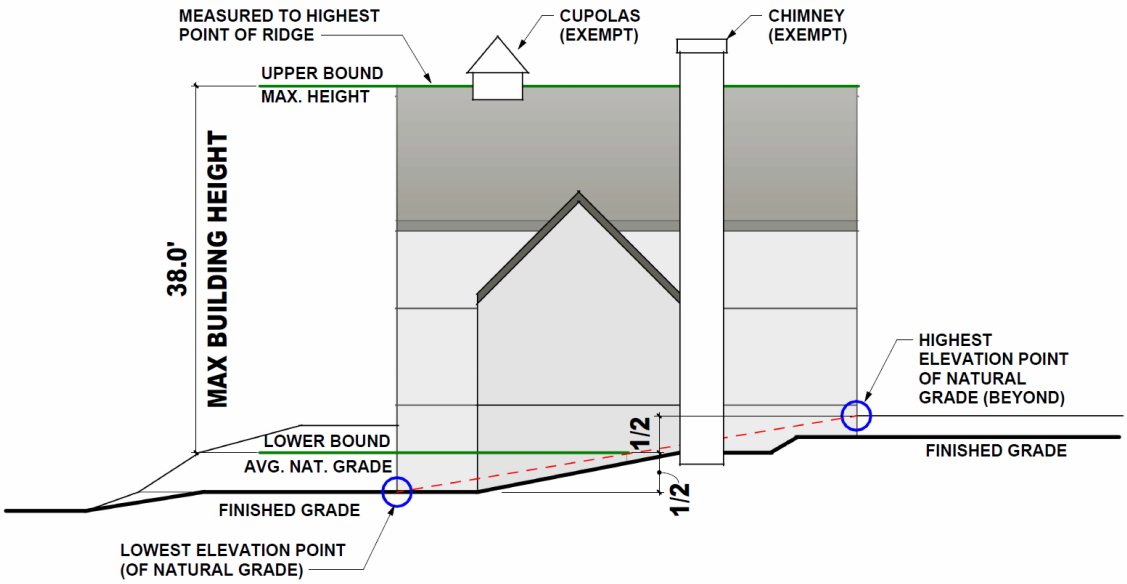
Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building Envelope - An area identified on a site plan within which a building or structure may be located. **(ADDED BY AMENDMENT 151)**

Building, Front line of: The line that coincides with the face of the building

nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps.

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)**



Building Lines: A line defining the minimum front, side and rear yard requirement outside of which no building or structure may be located.

Building, Principal: A building in which the main or principal use of lot on which it is located.

Campground: Means any parcel or tract of land under the control of any person wherein 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 five (5) or more recreational units.

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

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 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

(1) "Child care center" or "day care center" means a facility, other than a private residence, receiving more than 6 pre-school or school age children for group 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 childcare center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious institution where children are cared for during short periods of time while persons responsible for such children are attending religious services.

(2) "Family day care home" means 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 four (4) weeks during a calendar year.

(3) "Group day care home" means a private home in which more than 6 but not more than 12 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.

Common Land: A parcel or parcels of land together with the improvements thereon, 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.

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)**

Cupola: Ornamental structures for architectural decoration placed in a prominent position, usually at the top of a larger roof or dome. They often appear as small buildings in their own right, like diminutive temples perched on top of a building. They are non-habitable and do not have interior access except for maintenance purposes. **(ADDED BY AMENDMENT 159)**

Decibels: A decibel is a unit of measurement of the intensity of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Density: The number of dwelling units residing upon, or to be developed upon, a net acre of land.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.

Dwelling: A single building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation.

Dwelling, Multiple: A dwelling other than a one family dwelling including apartment houses, co-operatives and condominiums.

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

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one (1) family regardless of whether cooking facilities exist.

Easement: See Right-of-Way.

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)**

Erected: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

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 in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions.

Event: A planned gathering or activity on a set date & time and at a specific location. **(ADDED BY AMENDMENT 190)**

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 thereto.

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 thereto.

Family: (1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or (2) a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are 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 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.

Farmhouse: A single family dwelling on a farm used or previously used as the residence of the farm owner. **(ADDED BY AMENDMENT 113A)**

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)**

Farm Products: Farm Products include those plants and animals useful to human beings produced by agriculture and include(s), but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, 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)**

Farm Processing Facility: **(ADDED BY AMENDMENT 139A) (REMOVED BY AMENDMENT 201)**

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)**

Feeder Lot: 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.

Fence: A barrier including gates when closed which has openings of more than fifty (50%) percent of each one square yard of surface area; constructed of wood, masonry, metal or other durable parts such as stone, 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 for the purpose of protection, privacy or confinement. **(ADDED BY AMENDMENT 142)**

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. **(ADDED BY AMENDMENT 142)**

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

Flood Plain Area: Those areas along the Great Lakes Shoreline falling below the elevation 582.8 I.G.L.D. (583.5 I.G.L.D. - 1985)

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline Service 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. For the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

Golf Course - An area of land used for the game of golf and consisting of more than one golf hole. **(ADDED BY AMENDMENT 91)**

Grade, Finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto.

Guest Unit: A room or group of rooms occupied, arranged or designed for occupancy by one or more guests for compensation.

Health Department: Grand Traverse-Leelanau-Benzie District Health Department, sometimes referred to as Tri-County Health Department.

Highway: Any public thoroughfare in Peninsula Township, including Federal and

State roads and highways.

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

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 breakfast establishments or Recreational Unit Parks or tent sites. **(REVISED BY AMENDMENT 114C)**

Junk Yard: A "junk yard" as used herein is defined to be any establishment or premises where worn out or discarded material is bought, kept, sold and/or stored; any premises upon which two (2) 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 shall be deemed to be a "junk yard" within the meaning of this Ordinance.

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

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

Line, Street: The dividing line between a street right-of-way and a lot.

Lot: The parcel of land having frontage along a street or right-of-way on which one principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. Two (2) or more parcels, lots of legal record, or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Ordinance. Unless otherwise provided in this Ordinance; public and private streets and road rights-of-way, and easements for ingress and egress shall divide lots (including parcels and sites) for purposes of this Ordinance. (**REVISED BY AMENDMENT 158)**

Lot, Corner: A lot which has at least two (2) contiguous sides abutting upon a street for their full length.

Lot, Depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

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. **(REVISED BY AMENDMENT 88)**

Lot, Interior: A lot other than a corner lot.

Lot, Line: The lines bounding a lot as herein described.

Lot - Width of - Frontage: The frontage width, is measured along the front lot line and is a straight line connecting the two points where the front lot line intersects the two adjacent side lot lines. **(ADDED BY AMENDMENT 88)**

Lot - Width of - Minimum: The minimum lot width shall be measured at the shortest distance between the side lot lines within 100 feet of the front lot line. Where the front lot line is not a straight line, and curves into the lot, the minimum lot width shall be measured at the shortest distance between the side lot lines measured tangent to a curve 100 feet from the front lot line. **(ADDED BY AMENDMENT 88) (REVISED BY AMENDMENT 107E)**

Lot of Record: A lot which is part of a subdivision, 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.

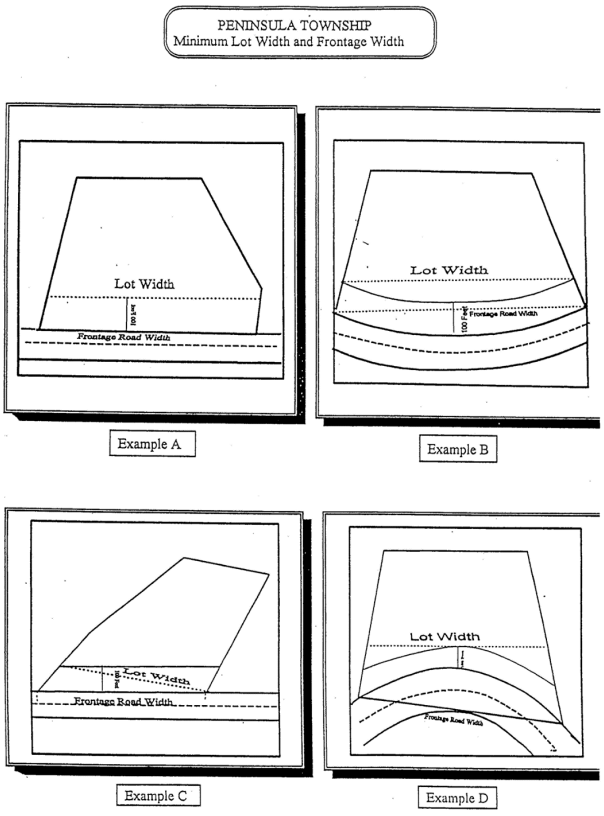
Major Thoroughfare: Arterial or collector-distributor road.

Marina: A commercial boat basin or dock with facilities for berthing and servicing all types of watercraft, as well as providing supplies, provisions, service and fueling facilities.

Migrant Farm Laborer: Is 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. **(ADDED BY AMENDMENT 166A)**

Lot Width Measurements. Table



Mobile Home: Means a trailer coach, a trailer or a single family manufactured living unit which is transported to a site as one (1) or more modules, any of which is so constructed as to permit permanent occupancy as a dwelling or sleeping place by one (1) or more persons, and licensable as a "trailer coach" under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948, and meets the Mobile Home Construction and Safety Standards, (24 CFR part 3280) and bears a HUD label so indicating.

Mobile Home - Occupied: Means a trailer coach which is being used for dwelling or sleeping purposes.

Mobile Home Park, Trailer Coach Park or Park: Means any parcel or tract of land under the control of any person, upon which three (3)or more occupied trailer coaches are harbored on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the harboring or occupancy of trailer coaches; except as provided by section 91 of Public Act #172 of the Public Acts of 1970.

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

Net Metering: A program offered by public utilities wherein customers who generate renewable energy on-site receive a credit on their monthly electric bill under a written agreement with the property owner. Energy produced on-site decreases the amount of energy purchased from the public utility. Extra energy produced beyond what is needed at a given time is metered out and associated with a credit. Net metering only offsets annual electricity use, and annual on-site renewable energy generation does not exceed annual on-site annual electricity use. Net metering may also be known as distributed generation. **(ADDED BY AMENDMENT 200)**

Nonconforming Use: A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Normal High-Water Mark: See Ordinary High-Water Mark.

Off-grid: A parcel, or portion of a parcel, wherein electrical energy is produced and consumed without a connection to the electrical grid. **(ADDED BY AMENDMENT 200)**

Open Space - An area that is open to the sky exclusive of roads, parking lots and building envelopes. **(REVISED BY AMENDMENT 151)**

Ordinary High-Water Mark: A point 579.8 feet above sea level (International Great Lakes Datum 1955 change for 1985 = 580.5 - add .7 to get to 1985) and 581.0 feet above sea level (United States Geological Survey Datum).

Plan, General Development: A statement of policy by the Township Zoning Board relative to the agreed-upon desirable physical pattern of future community development, consisting of a series of maps, charts, and written material that represents a sound conception of how the community should grow in order to bring about the very best community living conditions.

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 one (1) owner or organized group as a separate neighborhood or community unit.

Practical Difficulty: To obtain a dimensional variance, the applicant must show *practical difficulty* by demonstrating all of the following:

(a) Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for any permitted purpose, or would render conformity

unnecessarily burdensome;

(b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;

(c) The plight of the owner is due to unique circumstances of the property; and;

(d) The problem was not self-created. **(ADDED BY AMENDMENT 171A)**

Principal Commercial Solar Energy System: An area of land used for a solar collection system that captures solar energy and converts it to electrical energy for off-site use. Principal commercial solar energy systems are the principal use of a parcel and consist of one or more free-standing ground, or roof mounted solar collector devices, and related equipment such as substations, electrical infrastructure, and transmission lines. **(ADDED BY AMENDMENT 200)**

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

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.

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)**

Public Utility: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water.

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

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

Recreational Unit: Means a tent, or vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched

and sustained by poles and used for camping outdoors. Recreation unit shall include "Travel trailers", "Camping trailer", "Motor home", "Truck camper", "Slide-in-camper" and "Chassis-mount camper" as defined in Public Act 171. Public Acts of 1970, Michigan. **(REVISED BY AMENDMENT 114A)**

Regional Wastewater Treatment System: That system being planned as of the effective date of this Ordinance by the City of Traverse City and the five townships surrounding Traverse City.

Registered Guest: Means a person or people that stay overnight and have signed a guest register. **(ADDED BY AMENDMENT 114B)**

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)**

Retail Farm Processing Facility – With Indoor Sales and 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)**

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for the passage of persons or vehicles which, if used to establish a lot front, provides adequate permanent access.

Road - Access by Easement - Easement Access: A right-of-way or commons area including a frontage road that provides access to a lot or parcel instead of access from a public or private road. **(ADDED BY AMENDMENT 88)**

Road-County Standards: The Standards and Specifications for Subdivision Streets as adopted by the Grand Traverse County Road Commission. **(ADDED BY AMENDMENT 88)**

Road - Cul-de-sac: A local road of short length having one end terminated by a vehicular turn- around. **(ADDED BY AMENDMENT 88)**

Road - Frontage is a private road approved by the Township Zoning Administrator as meeting the published standards of Peninsula Township to serve as a lot frontage road for Zoning purposes, and 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 frontage roads. **(ADDED BY AMENDMENT 88)**

Road - Highway A right-of-way along with related improvements which provides for vehicular and pedestrian access to abutting properties. **(ADDED BY AMENDMENT 88)**

Road - Local Access: Local access roads provide access to homes, farms and other low intensity land uses. Traffic desires are local in nature and these roads do not require trip continuity for an extended length. **(ADDED BY AMENDMENT 88)**

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. **(ADDED BY AMENDMENT 88)**

Road - Marginal Access: A local road which is parallel and adjacent to arterial roads which provides access to abutting properties and protection from through traffic and not carrying through traffic. **(ADDED BY AMENDMENT 88)**

Road - Primary: Those roads of considerable continuity which are designated as primary roads by the Grand Traverse County Road Commission. **(ADDED BY AMENDMENT 88)**

Road - Private Subdivision is a private road in a subdivision approved by the Grand Traverse County Road Commission pursuant to the Plat Act (Act 288, P.A. of 1967 as amended). **(ADDED BY AMENDMENT 88)**

Road - State Highway: State or federal numbered highway. **(ADDED BY AMENDMENT 88)**

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.

(ADDED BY AMENDMENT 88)

Roadside Stand: **(Amendment 86A**) **(REMOVED BY AMENDMENT 203)** See Farm Stand

Self-Service Storage Facility: A structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Shared Waterfront Ownership: Property 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. **(REVISED BY AMENDMENT 109A)**

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good, or service, or any other message.

Sign-Agricultural Products: An on-premises sign which indicates the retail sale of agricultural products including those sold at roadside stands and U-Pick operations.

Sign-Banner: A sign made of natural or synthetic fabric used to call attention to a land use or product, service, or activity; however, not including pennants or flags.

Sign-Billboard/Highway Advertising: An off-premise sign owned by a person, corporation or entity that engages in the business of selling the advertising space on that sign.

Sign-Business Center: A sign that gives direction, name, and identification to a business center and which may include identification of individual businesses within the center.

Sign-Business Identification: A sign identifying a business operating on the premises where located. This sign does not include Home Occupation or Bed and Breakfast business.

Sign-Construction Site: A sign identifying a construction site.

Sign-Directional: A sign which sets forth no advertising display, used to direct visitors to a land use.

Sign-Entrance Way: A sign that identifies a residential or industrial subdivision, apartment complex, condominium development, or permitted institution.

Sign-Event: An on-premises sign placed for a period of time greater than two (2) days that is used to identify an event that is temporary in nature such as Home Tours, bazaars, races, tours and quasi-public fund-raising events.

Sign-Event-Directional: An off-premises sign placed for a period of time greater than two (2) days that is used to identify the route to an event that is temporary in nature such as bazaars, races, tours and quasi-public fund-raising events. Directional Event Signs include such things as marks painted on or along the road surface whether or not approved by the Department of Transportation or County Road Commission.

Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.

Sign- Farm Processing Facility: An on-premises sign identifying a Farm Processing Facility. **(ADDED BY AMENDMENT 174)**

Sign-Flashing: Any pulsating illuminated (including sequentially reflectorized) sign.

Sign-Ground Pole: A sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

Sign-Illuminated: A sign that utilizes artificial light by either emission or reflection.

Sign-Informational: A small, on premises sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps or similar features.

Sign-Ingress-Egress: A small sign located adjacent to the entrance or exit drives of a business to identify the points of vehicular ingress and egress.

Sign-Marquee/Awning: An "Identification of Business" sign attached to a marquee, canopy, or awning projecting from the building.

Sign-Name Plate: A non-electric on-premises identification sign giving the name and address of an occupant.

Sign-Off-Premises: A sign that identifies or communicates a message relating to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign-On-Premises: A sign identifying or advertising a business, person, activity or service located on the premises where the sign is located.

Sign-Pennant: A small, often triangular, tapering flag used in multiples as a device to call attention, on a temporary basis, to a land use or activity.

Sign-Portable: A freestanding sign not permanently anchored or secured to the ground. Trailers or similarly mounted signs. Signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object. A vehicle which, because of its placement and regularity of position serves the same purpose as a portable sign.

Sign-Private Property/Access Control: A sign placed to control access to a property such as: "No Hunting"; "No Trespassing" or "Private Property".

Sign-Promotional: A sign that is placed in a window for a limited period of time and is used to advertise a sale, a special event, or similar activity.

Sign-Real Estate: A temporary sign advertising the real estate upon which the sign is located as being for lease, sale/auction, or seasonal rent.

Sign-Roadside Stand: A sign located on the same premises with a roadside stand which identifies the roadside stand and may also identify products to be sold at the roadside stand.

Sign-Roof: Any sign which is on or attached to the roof of a building.

Sign-Wall: A sign which is attached directly to or painted upon a building wall.

Sign-Window: A permanent sign which is installed inside a window and is intended to be viewed from outside.

Sign-Yard/Garage Sale/Personal Event: A temporary sign which is placed on the premises of a yard sale, garage sale or events such as family reunions or weddings.

Site, Area: (includes the terms: Site, Site Area, Lot, Parcel Size and Parcel Area) - the total area within the property lines excluding road and street rights-of-way except as follows: Site Area, Parcel Area, and Parcel Size shall include road or street rights-of-way, provided both of the following are documented:

a. The property legal description includes such right-of-way; and
b. The property is being developed as a Planned Unit Development.
(REVISED BY AMENDMENT 158)

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: Provides direct access to individual abutting properties.

Street Line: The legal line of demarcation between a street and abutting land.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings, mobile homes, signs and signboards, towers, poles, antennae, landfill, sea walls, weirs, jetties, swimming pools, standpipes; fences over four feet in height above final grade and earth sheltering for earth-sheltered structures or other like objects, but not including:
(a) a temporary fence: (b) agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock; (c) access steps required to negotiate changes in site elevation; (d) landscape mounds; and (e) sidewalks, drives, and paved areas which do not protrude above the finished site grade. **(REVISED BY AMENDMENT 152)**

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)**

Township Board: Peninsula Township Board.

Trailer Coach: Mobile Home as defined herein.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

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)**

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)**

Wall: A structure, including gates when closed which has openings of fifty (50%) percent or less of each one square yard of surface area.

WECS: Shall be the approved form of abbreviation of "wind energy conversion system".

WECS shall mean a combination of:

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

(2) 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

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

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

Tower Height:

1. 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;

2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

Survival Wind Speed: 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.

Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

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)**

Wine: Means 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.

Winery-Chateau: **(REMOVED by AMENDMENT 201)**

Winery: **(ADDED BY AMENDMENT 139A) (REVISED BY AMENDMENT 181)(REMOVED BY AMENDMENT 201)**

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Rear: An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be any alley, and the rear line of the building.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line shall be deemed a side line.

Zoning Permit: Permit required for any change in use of land, or structure in accordance with the provisions of this Ordinance. See Land Use Permit.

ARTICLE IV: ADMINISTRATION AND ENFORCEMENT

SECTION 4.1 ADMINISTRATION:

Section 4.1.1 Zoning Administrator:

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, nor the Board of Appeals. The Zoning Administrator shall perform such duties as the Township Board may prescribe, in addition to any duties prescribed in this Ordinance. To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, good practice in fire prevention, and the proper installation of safety, health and sanitary facilities. The Zoning Administrator shall be in good health and physically capable of fulfilling the duties set forth in Section 4.1.2. In case the Zoning Administrator is personally interested in the construction of any building subject to the provisions of this code, the Township Board shall designate some other person to examine the plans, to inspect such building, and to issue the necessary permits, approvals and certificates. Compensation for the Zoning Administrator shall be established by the Township Board.

Section 4.1.2 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 Enforcement Officer Ordinance, are hereby authorized to Investigate ordinance violations; serve and issue notice of violations; serve and issue appearance tickets as authorized under Chapter 4 of the Code of Criminal Procedure Act, Public Act 175 of 1927, as amended (MCL 764.9c); and appear in court or other judicial proceedings to assist in the prosecution of Zoning Ordinance Violations. **(REVISED BY AMENDMENT 167)**

Section 4.1.3 Land Use Permits:

(1) General: Any individual, corporation, association, officer, department, board or bureau of the State, County or Township planning to erect or move a structure to the extent of more than twenty-five (25) square feet of floor area 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. Said Zoning Administrator shall issue a "Land Use Permit" if such planned building or structure or mobile home or land use complies with the provisions of the 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 - Leelanau - Benzie District Health Department, The Grand Traverse County Road Commission, the Michigan Department of Natural Resources and the Grand Traverse County Soil Conservation District and plans which will meet the requirements of Section 7.2.5 of the Zoning Ordinance before the Zoning Administrator may issue a permit. Each land use permit shall be issued in triplicate and the copies shall be distributed as follows: one to the applicant which he is to retain until construction is completed; one to the Township Supervisor; and one 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 denial of a "Land Use Permit" if such planned building or structure or land use does not comply with the provisions of this Ordinance.

(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.

(3) Property Boundaries: The Zoning Administrator shall require property boundaries to be located and marked by a registered land surveyor. In case of properties located along a shoreline, if there is any question of the location of the "ordinary high-water mark", the Zoning Administrator shall also require this level to be set and marked by a registered land surveyor.

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

(5) Inspection: The development or usage proposed by a zoning permit shall be subject to two (2) inspections, the first prior to the issuance of a building permit, and the second when the building is completed. 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.

Section 4.1.4 Fees:

The fees for land use permits shall be established by the Township Board. Fees for inspection and the issuance of permits or certificates required under this Ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees is shown in the schedule of fees established by the Township Board and

shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

SECTION 4.2 ENFORCEMENT:

Section 4.2.1 Violations and Penalties:

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 Appeal, 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 civil infraction as defined by Michigan statue.

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. **(REVISED BY AMENDMENT 167B) (REVISED BY AMENDMENT 194)**

Section 4.2.2 Conflicting Regulations:

In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any provision or limitation imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that whenever the provisions of anyother law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

Section 4.3 Escrow:

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 cost 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 any 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 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 issuance of any permit or the release of a final decision on an appeal.

Unexpended funds held in escrow will be returned to the applicant following final action on the application or the final decision on the appeal. **(REVISED BY AMENDMENT 196)**

ARTICLE V: BOARD OF APPEALS

SECTION 5.1 CREATION AND MEMBERSHIP:

Section 5.1.1 Establishment:

There is hereby established a Board of Appeals in accordance with Act 184 of the Public Acts of Michigan of 1943, as amended. The Board of Appeals shall perform its duties and exercise its powers as provided by Sections 18 through 23, of the said 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.

Section 5.1.2 Membership, Terms of Office:

There shall be a Board of Appeals which shall consist of five members appointed by the Township Board. The first member of such Board shall be a member of the Township Planning Commission. The remaining members of the Board 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. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairman of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals. The total amount allowed the Board of Appeals in any one 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. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

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 there is a conflict of interest shall constitute misconduct in office. The term of each member shall be for 3 years, except that of the members first appointed, two shall serve for 2 years and the remaining members for 3 years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 5.2 MEETINGS AND POWERS:

Meeting of the 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 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.

SECTION 5.3 DUTIES; RULES; HEARING AND DECISION OF APPEALS; RIGHT TO AND GROUNDS OF APPEAL:

The 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, and may fix rules and regulations to govern its procedures sitting as such a Board of Appeals. It 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. The concurring vote of a majority of the members of the 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. Such an 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.

SECTION 5.4 TIME TO AND NOTICE OF APPEAL; TRANSMISSION OF RECORD:

Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the Zoning Administrator or other officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

SECTION 5.5 STAY OF PROCEEDINGS PENDING APPEAL:

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeals shall have been filed with him that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the 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.

SECTION 5.6 HEARINGS AND NOTICES; RIGHT TO BE HEARD; DISPOSITION OF APPEALS; DECISION NOT FINAL:

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person by agent or by an attorney. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the Board of Appeals shall have

the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of the Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court.

SECTION 5.7 DUTIES AND POWERS:

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but does have power to act on those matters where by statute, or this Ordinance, provision is made for an administrative review, interpretation, variance, exception, or special approval permit as defined therein.

Section 5.7.1 Review:

The Board 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.

Section 5.7.2 Interpretation:

The Board of Appeals shall have the power to:

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

(2) Determine the precise location of the boundary lines between zoning districts.

(3) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

Section 5.7.3 Variances:

The 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 can be satisfied.

(1) Basic Conditions:

(a) 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.

(b) That the need for the variance is not the result of actions of the

property owner (self-created) or previous property owners.

(c) 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. (Because a property owner may incur additional costs in complying with this ordinance does not automatically make compliance unnecessarily burdensome.)

(d) 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.

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

(f) 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.

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

(a) The 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.

(b) 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 six (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 one (1) year after the granting of the variance.

(c) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (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 Board of Appeals to be valid.

(3) 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 Board of Appeals shall, in addition to considering Basic and Special Conditions established by this Ordinance, consider the following conditions:

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

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

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

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

(e) The aesthetics of the structure as viewed from both the land and the water.
(REVISED BY AMENDMENT 190)

Section 5.7.4 Special Exceptions:
(REVISED BY AMENDMENT 113B) (DELETED BY AMENDMENT 188)

SECTION 5.8 ESSENTIAL SERVICES:
The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, or a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service. Personal Wireless Communications towers and facilities shall not be considered Essential Services.

SECTION 5.9 BOND FOR COMPLIANCE:
Section 5.9.1 Bond Authorized:
In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Township Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance or permit and to insure the discontinuance of a temporary use by a stipulated time.

ARTICLE VI: ZONING DISTRICTS, MAP AND SCHEDULE OF REGULATIONS

SECTION 6.1 GENERAL PROVISIONS:

Section 6.1.1 Districts Established:

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

R-1A	Rural and Hillside Residential
R-1A	Planned Unit Development
R-1B	Coastal Zone Residential
R-1B	Planned Unit Development
R-1C	Suburban Residential
R-1C	Planned Unit Development
R-1D	Community Residential
R-1D	Planned Unit Development
C-1	Commercial
A-1	Agricultural

Section 6.1.2 Zoning Districts Map:

The boundaries of the districts are hereby defined and established as shown on a map entitled "Zoning District Map of Peninsula Township, Grand Traverse County, Michigan" which accompanies this Ordinance and which map with all explanatory matter thereon is hereby made a part of this Ordinance.

The official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bearing the following words: "This is to certify that this is the official Zoning Map (consisting of 24 pages), referred to in Article VI, Section 6.1.2 of the Peninsula Township Zoning Ordinance adopted on June 5, 1972." If in accordance with the provisions of this Ordinance and of the applicable statute, amendments effecting changes are made in district boundaries or other matter portrayed on the official Zoning Map, such changes shall not be considered final, and zoning permits shall not be issued until changes have been made on the official Zoning Map. Such Map changes shall be made within five (5) normal working days after the effective date of the Ordinance amendment. Each Map change shall indicate the zoning amendment number on the Map. Two (2) copies of the official Zoning Map shall be maintained and kept up to date, one (1) with the Township Clerk and one (1) in the Zoning Administrator's office.

Section 6.1.3 Interpretation of District Boundaries:

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

(1) Boundaries indicated as approximately following the streets or highways

shall be considered to be such boundaries.

(2) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.

(4) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.

(5) Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines; on the Great Lakes, the boundaries shall be the ordinary high-water mark, elevation 579.8 feet above sea level, International Great Lakes Datum of 1955.

(6) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals.

Section 6.1.4 Scope of Regulations:

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

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

(2) The Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

Section 6.1.5 Categories Within Zone Districts:

In order to ensure all possible benefits and protection for the Zone Districts in this Ordinance, the land uses have been classified into three (3) categories:

(1) Uses permitted by RIGHT. The primary uses and structures specified for which the Zone District has been established.

(2) Uses permitted UNDER SPECIAL CONDITIONS. Uses and structures compatible with the primary uses and structures permitted within the Zone District but subject to the special conditions specified with the Zone District.

(3) Uses permitted by SPECIAL USE PERMIT. Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the Zone District, but could present potential injurious effects upon the primary uses and structures within the Zone District, therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such uses proposed shall be approved in accordance with the provisions of Article VIII of this Ordinance.

SECTION 6.2 R-1A DISTRICTS: RURAL AND HILLSIDE RESIDENTIAL:

Section 6.2.I Intent and Purpose:

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

Section 6.2.2 Uses Permitted by Right:

(1) Single Family Dwellings:

(2) Customary Uses and Structures

(a) Accessory Buildings: Accessory buildings such as farm buildings and a detached garage for the storage of automobiles shall be permitted with a single- family dwelling; provided, however, that the farm buildings and garage shall comply with the setback restrictions and side yard requirements.

(b) Guest Houses: A guest house detached from the dwelling shall not be permitted on the same lot with a single-family dwelling unless the lot has a width twice the normal width, and the guest house is so located as to be qualified as a single- family dwelling in its own right on one-half the width of the lot of the principal dwelling.

(c) Boat Hoists and Docks:

1. A maximum of one (1) dock per parcel plus one boat hoist, is permitted per fifty (50) feet of shoreline, measured at the ordinary high water line, provided that a pre-existing lot of

record is allowed at least one dock and one boat hoist.

2. Boat hoists and docks are allowed on properties of insufficient size for a single-family dwelling, provided the lot is a pre-existing lot of record or has a minimum width of fifty (50) feet and also provided that provision is made for a minimum of two (2) parking places off the adjacent road right-of-way. In the event of properties owned by the same party being separated by a thoroughfare, parking may be provided on the inland parcel and need not be in excess of that required for a single-family dwelling.

3. No dock shall be wider than seven (7) feet and no longer than necessary to provide adequate water depth for the boat using the dock or boat hoist.

4. Shared waterfront ownership is allowed pursuant to Section 7.4.2. **(REVISED BY AMENDMENT 109C)**

(d) Decks and Storage: **(REVISED BY AMENDMENT 140**)

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

2. Decks (including attached seating and/or attached storage) shall be allowed within the Ordinary High-Water Line and the Front Yard setbacks in the case of properties located along the Great Lakes shoreline, provided:

   a. All parts of the deck, attached seating, storage and railing shall be constructed within a building envelope as provided below: (See Figure 6-1)

i. Located a minimum distance of 35 feet from the Ordinary High-Water Line which is 581 feet above sea level (USGS).

ii. Located above the Flood Elevation Line which is 584 feet above sea level (USGS);

iii. Located outside the fifteen-foot side yard setbacks;

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

v. Attached Seating shall be no higher than 34 inches above the floor of the deck and no higher than 34 inches above the center of the traveled surface of the adjacent roadway.

vi. Enclosed storage shall be no higher than 34 inches above the floor of the deck or 64 inches above finished grade, whichever is higher, provided that it is no higher than 34 inches above the center of the traveled surface of the adjacent roadway.

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

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

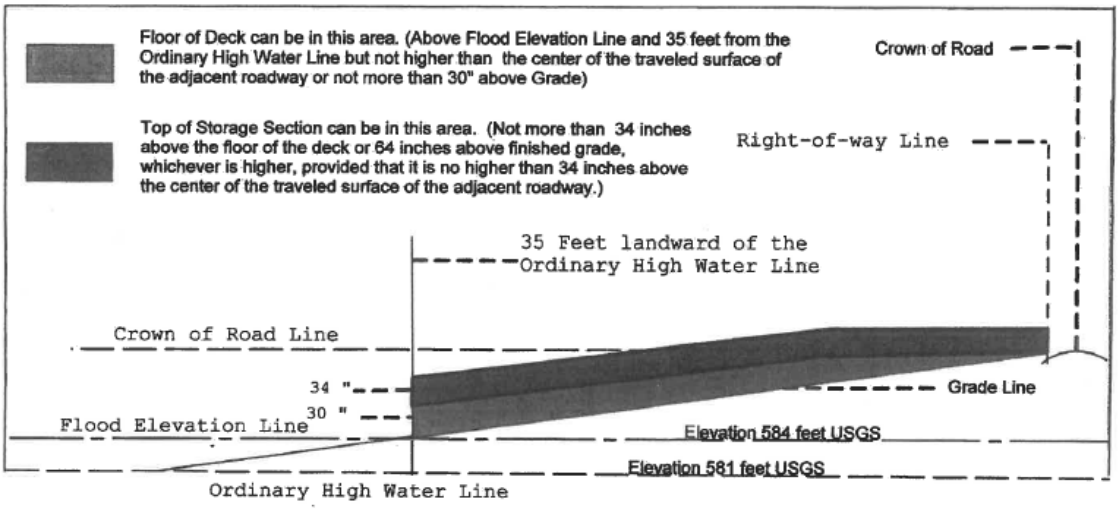
d. Enclosed storage areas shall be constructed so as to conceal all stored material.

e. The total area of land covered by the deck, seating and storage shall not exceed ten (10%) percent of that land area within the side yard setbacks extending: a) from the road right-of-way to the ordinary high-water mark; or b) where there is a residence on the parcel, from a line parallel to the road right-of-way and touching the closest part of the foundation of the residence to the ordinary high-water line.

f. No deck shall be constructed within a road right-of-way.

PENINSULA TOWNSHIP ZONING ORDINANCE AMENDMENT 140

SECTION 6.2.2(2) (d) 3 FIGURE 6-1



(e) Rental of Non-Owner-Occupied Dwelling: **(REVISED BY AMENDMENT 182**)

1. Intent - This is a clarifying amendment that confirms the determination by the Zoning Board of Appeals on September 9, 1999, that the minimum length of time that a dwelling may be rented and be in conformance with the intent of the ordinance is one month and reaffirmed by the Zoning Board of Appeals on September 11, 2008 as 30 days. This is also to distinguish between rental of a "non-owner-occupied dwelling" and "Bed and Breakfast" which is rental of an owner-occupied dwelling.
2. 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 days.

(3) Public Recreation:

(4) Storage of Trailer Units:

(5) The Keeping of Domestic Pets: Provided that all pets are so maintained as to not constitute a public nuisance and provided further that in the event the same are horses or livestock, then the sheltering structure shall be at least

two hundred (200 feet) from any lot line and the pasturing area shall be at least one hundred (100 feet) from any lot line, and both the pasturing area and the sheltering structure shall be at least two hundred (200 feet) from any well or residence.

(6) General Farming and Horticultural Uses: Including the carrying on of usual soil practices of cultivation, spraying and fertilization including the use of barnyard and poultry manure, and also including migrant workers' quarters and roadside stands for the sale of agricultural products but excluding the raising and grazing of farm animals and fowl excepting as permitted in (5) above.

(7) Family Day Care Homes and Group Day Care Homes:

(a) Such uses shall be duly licensed by the State Department of Social Services.

(b) Fencing of outdoor play areas may be required should it be determined by the Zoning Administrator that conditions exist in the immediate vicinity which could be hazardous to the user children or that objectionable trespass could occur onto neighboring properties by the user children. The Zoning Administrator shall make such determination by contacting adjacent property owners by U.S. Mail and allowing a ten (10) day response time to receive comments from the neighbors regarding such probability.

(c) The Zoning Board of Appeals may, at any time, limit the hours of operation of a family day care home should they receive any written complaints regarding operating hours.

Section 6.2.3 Uses Permitted Under Special Conditions:

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use.

(1) Temporary Buildings: For uses incidental to construction work; such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period. Such structures shall not be used for dwelling purposes unless they meet the requirements of Section 7.2.1.

(2) Home Occupations: The intent of this Section is to preserve the existing residential characteristics in individual neighborhoods while encouraging some home occupations. Peninsula Township's master policy plan calls for residential neighborhoods that provide for low impact, environmentally sensitive housing that preserves the quality of life currently enjoyed by its

residents, consequently, home occupations allowed in these zones should not change the existing characteristics of a given neighborhood. In this regard, home occupations that emit noise, dust, odor, or vibrations, discernable at property boundaries, would be excluded. Other physical changes such as, retail sales made to the general public, increased light or glare or noticeably increased volume of traffic brought about by a home occupation that would exert a visible, physical impact on a given neighborhood would not be allowed.

(a) 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 one (1) year after issuing the permit unless the home occupation has been established and is operating.

(b) 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.

(c) Home Occupations are permitted in residential structures when carried on by the residents of the dwelling along with up to two (2) full time equivalent employees within either the dwelling or an accessory building.

(d) The area utilized for the Home Occupation shall not exceed one-fourth (1/4) of the floor area of one (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) No outdoor activities nor outdoor storage in excess of those normally found in the immediate neighborhood shall be allowed in connection with such use. The Zoning Administrator shall make such a determination prior to issuing a land use permit.

(f) 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 7.14. **(REVISED BY AMENDMENT 175B)**

(g) Home Occupations shall not be permitted if the occupation would normally have deliveries or pick-ups by semi-trailer.

(h) No hazardous or controlled substances or materials shall be used or stored on the premises unless prior approval is obtained from proper authorities.

(i) No retail sales shall be permitted on the premises, however, incidental sales previously made off-premises or by phone may be picked up at the premises. Direct sales of products off display shelves or racks is not allowed.

(j) No more than four (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 the shoulders of the road.

(k) The occupants of a residence may instruct 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) 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 storefront with display windows, which would not be customary to residential use.

(m) Existing garages shall be retained for inside parking of vehicles. **(REVISED BY AMENDMENT 135)**

Section 6.2.4 Uses Permitted by Special Use Permit:

The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the Article and Sections cited, are complied with:

(1) Planned Unit Development: Subject to all requirements of Article VIII, Section 8.3.

(2) Special Open Spaces: Subject to all requirements of Article VIII, Section

8.7.3(3).

(3) Wind Energy Conversion Systems: Subject to all requirements of Article VIII, Section 8.7.3 (9).

(4) Mobile Homes in Residential Districts: Subject to all requirements of Article VIII, Section 8.9.

(5) Bed and Breakfast Establishments: Subject to all requirements of Article VIII, Section 8.7.3(6).

(6) Institutional Structures and uses subject to the provisions of Article VIII, Section 8.6.

Section 6.2.5 Driveways:
To reduce fire hazards and make possible access to all dwellings by the Fire Department, no driveways shall have a width or overhead clearance of less than thirteen (13) feet from bordering trees, overhead wires and other obstructions.

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

Section 6.2.7 Area and Bulk Requirements:
Shall be subject to the provisions of Section 6.8 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

SECTION 6.3 R-1B DISTRICT: COASTAL ZONE RESIDENTIAL DISTRICT:

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

Section 6.3.2 Uses Permitted:
All uses permitted by "Right", "Under Special Conditions" or by "Special Use Permit" in the R-1A District, subject to all restrictions specified therefore. Also permitted as of right:

(1) Two-family dwellings.

Section 6.3.3 Uses Permitted Under Special Use Permit:

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

(1) Golf Courses and Country Clubs: Other than golf driving ranges and miniature golf courses, subject to the conditions outlined in Article VIII, Section 8.7.2 (4) and Section 8.7.3(4).

(2) Institutional Structures and Uses: Subject to the provisions of Article VIII, Section 8.6.

(3) **(Deleted by Amendment No. 67(4))**.

Section 6.3.4 Area and Bulk Requirements:

Shall be subject to Section 6.8 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

SECTION 6.4 R-1C DISTRICTS: SUBURBAN RESIDENTIAL DEVELOPMENT:

Section 6.4.1 Intent and Purpose:

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

Section 6.4.2 Uses Permitted:

All uses permitted by "Right", "Under Special Conditions" or by "Special Use Permit" in the R-1A and R-1B Districts, subject to all restrictions specified, therefore.

Section 6.4.3 Area and Bulk Requirements:

Shall be subject to Section 6.8 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

SECTION 6.5 R-1D DISTRICTS: COMMUNITY RESIDENTIAL:

Section 6.5.1 Intent and Purpose:

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

Section 6.5.2 Uses Permitted:
All uses permitted by "Right", "Under Special Conditions" or by "Special Use Permit" in the R-1A, R-1B and R-1C Districts, subject to all restrictions specified therefore.

Section 6.5.3 Uses Permitted by Special Use Permit:

(1) Mobile Home Park Developments shall be subject to the provisions of Article VIII, Section 8.2.

Section 6.5.4 Area and Bulk Requirements:
Shall be subject to the provisions of Section 6.8 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

SECTION 6.5A P.U.D. RESIDENTIAL DISTRICTS:

Section 6.5A.1 Intent and Purpose:
This section establishes the R-1A-PUD, R-1B-PUD, R-1C- PUD and R-1D-PUD, planned unit development residential districts to allow the planned development of areas of the township where conventional development practices are not suited to the terrain; or existing land use or natural environmental conditions make conventional development practices undesirable yet the density allowed is suitable to the intent of the conventional district designated.

Section 6.5A.2 Uses Permitted by Special Use Permit:

(1) Planned unit developments subject to all requirements of Article VII, Section 8.1 and 8.3 and uses and standards established for the corresponding conventional district described respectively in Article VI, Section 6.2, 6.3, 6.4 and 6.5.

SECTION 6.6 C-1 COMMERCIAL:

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

Section 6.6.2 Uses Permitted Under Special Use Permits:
The following uses of land may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in Article VIII and sections cited, are complied with. All of the following uses must be

conducted in a permanent, enclosed building unless otherwise provided herein.

(1) Retail stores and shops including warehousing of products sold at retail on the premises, service institutions, utilities, restaurants and taverns, recreational unit sales, farm supply and implement dealers, professional offices and off-street parking lots. Provided that the requirements of Section 8.1.3 and 7.6 are met.

(2) Gasoline Service Stations. Provided the site development requirements of Article VIII, Section 8.8 are met.

(3) Marinas: Provided the site development requirements of Article VIII, Section 8.7.3 (6) are met.

(4) Wind Energy Conversion Systems: Subject to all requirements of Article VIII, Section 8.7.3 (9).

(5) Hotels, motels and tourist courts: Subject to all requirements of Article VIII, Section 8.10.

(6) Self-Service Storage Facility

Section 6.6.3 Site Development Requirements:

(1) Yard Storage: Whenever a business establishment engages in storage of supplies, merchandise, containers or any other materials outside the confines of an enclosed building structure, it shall provide an enclosure of a solid fence not less than six (6) feet in height around such yard storage area. The fence shall be constructed and maintained in a manner approved by the Zoning Administrator. The Zoning Administrator may permit the substitution of a barrier or screen other than a fence when the same will serve the purpose of screening from vision, noise and odor.

(2) Off-Street Parking: As provided in Article VII, Section 7.6.

(3) Landscaping: The front yard area and any side yard not used for parking or driveway space shall be planted and maintained in accordance with an appropriate landscape design, as designated by the Township Board. **(REVISED BY AMENDMENT 144)**

(4) Signs as allowed by Section 7.11.

Section 6.6.4 Area and Bulk Requirements:

Shall be subject to the provisions of Section 6.8 Schedule of Regulations.

Section 6.6.5 Self Service Storage Facility

Section 6.6.5.1 Intent

The Self-Service Storage Facility provides space for the dead storage of personal goods left for a period of time. A number of people desire storage in addition to that normally provided with their residence such as: Excess furniture after moving from a larger to a smaller dwelling; Storage of automobiles, boats, recreational vehicles, and all kinds of miscellaneous bulky possessions. There are commercial businesses that need places to store old records and files.

A Self-Service Storage Facility is to be located in one of the existing commercial areas in Bowers Harbor, Mapleton and Old Mission or in an area adjacent to these areas that is rezoned for commercial expansion. This is consistent with the Township Comprehensive Plan Commercial Policies.

Section 6.6.5.2 Uses:

(14) Rental Space for dead storage of personal property only and no business activity other than rental of storage units shall be conducted on site.

Section 6.6.5.3 Standards:

(1) 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.

(2) No activities such as miscellaneous or garage sales shall be conducted on the premises.

(3) All storage uses shall be inside an enclosed building.

(4) An on-site residence for a resident manager may be approved by the Township Board as part of the business.

(5) The lease shall include a statement of allowed uses and uses that are not allowed by this Section.

(6) 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.

(7) 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.

(8) Minimum Parcel Size Shall be 45,000 square feet with a minimum width of 150 feet. (80 10' by 20' units = 22,000 square feet with a 35% lot coverage by structures equals 44,000 square feet.)

(9) Existing C-1 Zone Setbacks Front - 35'; Side 10'; Rear 30'. 35% lot coverage by structures.

(10) Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.

(11) Spacing between structures shall be a minimum of 20 feet and emergency access shall be provided to at least three sides of all structures.

(12) Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

(13) Signs shall comply with Section 7.11. Signs.

(14) 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.

SECTION 6.7 A-1 DISTRICT: AGRICULTURAL:

Section 6.7.1 Intent and Purpose:

This District is intended to recognize the unique ecological character of the Peninsula and to preserve, enhance, and stabilizing existing areas within the Township which are presently being used predominately for farming purposes, yet recognize that there are lands within the district which are not suited to agriculture, therefore allowing other limited uses which are deemed to be compatible with agricultural and open space uses.

Section 6.7.2 Uses Permitted by Right:

(1) One-family dwellings.

(2) Two-family dwellings.

(3) Mobile homes: Provided the mobile home shall meet the requirements of the Mobile Home Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.

(4) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, green houses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.

(5) Raising and keeping of small animals such as poultry, rabbits, and goats.

(6) Raising and keeping and boarding of livestock, such as cattle, hogs, horses, ponies, sheep, and similar livestock, except feeder lots. **(REVISED BY AMENDMENT 155B) (REVISED BY AMENDMENT 162A)**

(7) Customary home occupations.

(8) Farm Stand: 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:

(a) 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.

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

(c) 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.

(d) The only items that may be offered for sale at a Farm Stand are Raw Produce and processed products as noted below.

(e) 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.

(f) 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.

(g) No area may be formally designated for the on-site consumption of items purchased at the Farm Stand.

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

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

(j) No Farm Stand greater than 120 square feet in area shall be located

closer than 165 feet from all existing non-farm residences.

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

(l) 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 1 additional parking space per 150 square feet. (As an example, a 300 square foot structure or area will require 6 parking spaces.)

(m) Signage shall meet the requirements of Section 7.11.

(n) Exterior lighting shall meet the requirements of Section 7.14.

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

(p) 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.

(q) 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.

(REVISED BY AMENDMENT 203)

(9) Cemeteries, public or private.

(10) Agricultural Labor Camp for less than five (5) migrant workers. **(REVISED BY AMENDMENT 90)**

(11) Licensed Agricultural Labor Camp. **(ADDED BY AMENDMENT 90)**

(12) Tenant house as a part of farm property for full-time farm employees associated with the principal use and subject to the same height and setback requirements as the principal dwelling.

(13) Public areas and public parks such as recreation areas, forest preserves, game refuges, and similar public uses of low-intensity character.

(14) Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.

(15) Customary uses and structures incidental to the permitted principal use of the premises as allowed in Section 6.2.2(2).

(16) Mining or removal of topsoil subject to provisions of Article VII Section 7.2.3.

(17) Family Day Care & Group Day Care Homes subject to all requirements of Article VI, Section 6.2.2(7).

(18) Barn Storage. **(ADDED BY AMENDMENT 131)**

(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. It is not intended to be a self-storage use where there is regular access to the rental space by owners of the stored materials.

(b) It is not intended to 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.

(c) The zoning administrator may issue a land use permit for the 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 crops or for the housing of livestock.

2. The barn has been in existence in its present form for not less than twenty (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.

5. 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.

6. The Zoning Board of Appeals may grant a variance from the minimum twenty (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.

(19) 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:

i. All processing shall be conducted indoors.

ii. 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.

iii. No retail sales or consumption of Raw Produce or processed products on the premises is permitted.

iv. 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.

v. 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:

i. 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.

ii. 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 accessory Wholesale Farm Processing Facility.

iii. 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:

i. At least forty (40) acres of land shall be dedicated to the operation of a Wholesale Farm Processing Facility.

ii. 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.

iii. 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.

iv. The remaining acreage necessary to meet the 40-acre minimum dedication shall consist of a single parcel or two contiguous parcels.

v. 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.

vi. 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:

   I. Front yard 50 feet.

   II. Side and rear yards 200 feet.

   III. 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:

   i. A Wholesale Farm Processing Facility shall not include retail space.

   ii. 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.

   iii. 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.

   iv. 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.

8. Parking: Parking shall conform to the requirements of Section 7.6.

9. Signs: All signs shall conform to the requirements of Section 7.11. **(REVISED BY AMENDMENT 174)**

10. Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

11. 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.

12. 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.

13. 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.

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. Data and Records:

    i. 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 Farm Operation and (c) all land within the Township controlled and operated by the Farm Operation meets the dedicated acreage requirements.

ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

iii. 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.

16. Approval Process:

i. 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.

ii. The site plan shall include at least:

a. the parcel or parcels with parcel numbers dedicated to the Wholesale Farm Processing Facility with calls and dimensions on all property lines;
b. legal descriptions of all parcels;
c. all existing and proposed structures including setbacks from property lines;
d. proposed parking, landscaping and lighting;
e. floor plan showing all processing areas; and
f. the name, email address, mailing address, and phone number of the Farm Operation.

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.

iv. Once the site plan is approved by the Planning Director, a Land Use Permit application may be submitted to the Zoning Administrator.

v. 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.

vi. 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 Administrator has made an on-site inspection to verify compliance with all the requirements of the Zoning Ordinance.

vii. 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.

17. 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:

i. The dwelling and Wholesale Farm Processing Facility combined shall not exceed any of the Setback or Facility Size requirements established above;

ii. The dwelling shall be the only dwelling on the 20-acre parcel containing the Wholesale Farm Processing Facility.

iii. The dwelling shall meet all dimensional requirements of Section 6.8 for the A-1 Agricultural District. **(UPDATED BY AMENDMENT 201)**

Section 6.7.3 Uses Permitted by Special Use Permit:

The following uses of land and structures may be permitted in any agricultural district by the application for and issuance of special use permit when all the procedural requirements specified in Article VIII, 8.1 "Uses Authorized by Special Use Permit: General Standards and Requirements" are satisfied together with any applicable requirements as outlined in the particular Articles and Sections cited:

(1) Planned Unit Developments subject to all requirements of Article VIII, Section 8.3.

(2) Special open space uses subject to all requirements of Article VIII, Section 8.7.3 (3).

(3) Recreational Unit Park subject to all requirements of Article VIII, Section 8.4. **(REVISED BY AMENDMENT 114E)**

(4) Food processing plants are subject to all requirements of Article VIII, Section 8.5.

(5) Institutional Structures subject to all requirements of Article VIII, Section 8.6.

(6) Greenhouses and nurseries selling at retail on the premises.

(7) Riding stables and livestock auction yards.

(8) Raising of fur bearing animals for profit.

(9) Game or hunting preserves operated for profit.

(10) Veterinary hospitals, clinics and kennels.

(11) Sawmills.

(12) Storage for agricultural products.

(13) Golf courses and country clubs subject to all requirements of Article VIII, Section 8.7.2(4) and Section 8.7.3(4).

(14) Public buildings and public service installations.

(15) Incinerators and sanitary fills, sewage treatment and disposal installation subject to all requirements of Article VIII, Section 8.7.2(1) and (2), and Section 8.7.3(1) and (2).

(16) **(DELETED BY AMENDMENT NO. 67(6))**

(17) Airports and Airfields.

(18) Warehousing and Light Industrial subject to all requirements of Article VIII, Section 8.7.2
(7) and Section 8.7.3(7).

(19) Wind Energy Conversion Systems: Subject to all requirements of Article VIII, Section 8.7.3(8).

(20) Bed and Breakfast Establishments: Subject to all requirements of Article VIII, Section 8.7.3(6).

(21) Adult Foster Care Facilities: Subject to all requirements of Article VIII, 8.7.3(9).

(22) Retail Farm Processing Facilities: Subject to all requirements of Article VIII, Section 8.7.3(10) and (11). **(REVISED BY AMENDMENT 201)**

Section 6.7.4 Area and Bulk Requirements:

Are subject to Section 6.8 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted, and providing minimum yard setback requirements.

Section 6.7.5 Conservation Easement Restricted Farmland.

Section 6.7.5.1 Intent

The Peninsula Township Purchase of Development Rights Ordinance allows future building sites under certain conditions and in specific locations as shown on recorded conservation easements. It is the intent of this section to allow those future building sites to be used for residents on the farm or to be sold along with all or a portion of the restricted farmland with a minimum area of one acre or more. It is also the intent of this section to avoid the conversion of preserved agricultural land by allowing access to these individual future building sites without requiring a new public or private road to the site.

Section 6.7.5.2 Reserved Building Site Access

Restricted farmland may be divided without the requirement of providing access to a public or private road irrespective of Section 7.10 Road Standards provided:

(1) A reserved dwelling site shall have access to an existing road by either a driveway or a new private road. Access by private road shall be required if it serves or is to serve three (3) or more residences.
(2) A residential building site may be separated from the remainder of the restricted farmland on a parcel of not less than one acre irrespective of Section 6.8.1. with access as provided in 1. above.
(3) Where access is provided by a driveway and not a public or private road; the

front yard setback will be fifty (50) feet rather than the thirty-five (35) foot front yard setback required from a public or private road. **(ADDED BY AMENDMENT 117A)**

SECTION 6.8 SCHEDULE OF REGULATIONS (REVISED BY AMENDMENT 91)(AMENDMENT 107D) (AMENDMENT 204)

The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning Dist.

Zoning District	Minimum Zoning Lot Size Per Dwelling Unit Area	Width in Feet	Maximum Height of Structures Feet (c)	Minimum Yard Setback Per Lot in Feet from Each Front	Side	Rear	Normal High Water Mark	Maximum % of lot area Covered by All Structures	Minimal Elevational Width of a Principal Structure
R-1A, Rural & Hillside	1 Acre	150(b)	38	30(j)	15(j)	30(j)	60(d)	15	24'
R-1A,PUD; R-1B PUD	(e)	(e)	38	30(e)	15(e)	30(e)	60(d)	15	24'
R-1C,PUD; R-1D PUD	(e)	(e)	38	30(e)	15(e)	30(e)	60(d)	15	24'
R-1B, Coastal Zone Single and Two-Family	25,000	100(b)	38	30(j)	15(j)	30(j)	60(d)	15	24'
R-1C, Suburban Residential Single and Two-Family	20,000	100(b)	38	25(j)	15(j)	30(j)	60(d)	25	24'
R-1D, Community Residential Single and Two-Family	15,000	100(b)	38	25(j)	15(j)	30(j)	60(d)	30	24'
C-1 Commercial	25,000	150	38	35	10	30	60(d)	35	
A-1, Agricultural	5 A.	330(g,h,i)	38	35(j)	50(f,j)	50(f,j)	60(d)		

Section 6.8.1 Schedule Limiting Height, Bulk, Density, and Area by Zoning District. Footnotes -- Additional Requirements

(b) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted provided that the lot width at the building line is equal to the lot width for that district.

(c) Allowable height variations are subject to the provisions of Article VII, Section 7.3

(d) Does not include fishing, boating or swimming docks, open decks, and boat hoists as provided in Section 6.2.2(2)(c) and 6.2.2(2) (d).

(e) As approved under Section 8.3.

(f) The minimum setback for other than residential structures shall be fifteen (15) feet. PROVIDED, HOWEVER, the minimum side yard setbacks for residences shall be fifteen (15) feet on lots of record with lot widths of one hundred ninety-nine (199) feet or less that were recorded prior to the adoption of Amendment No. 91 by the Township Board on June 9, 1992.**(REVISED BY AMENDMENT 108)**

(g) Where a lot in the Agricultural District has its access on a public road, the lot shall have a minimum lot width and frontage width of 330 feet. Where a lot in the Agricultural District has as its access a frontage road, that lot shall have a minimum lot width and frontage width of 100 feet and if the lot also abuts a public road, the lot shall also have a width of not less than 330 feet on the public roadside of the lot. Where a lot has been created by Planned Unit Development, the minimum frontage width shall be that which is approved by the Township Board.

(h) REQUIRED LOT SHAPE A lot in the Agricultural District shall be of such shape that a square measuring 210 feet on a side can be located within the parcel. The square has no relevance to structure location or setbacks.**(REVISED BY 107D)**

(i) Access to residential building sites on farmland subject to a recorded Conservation Easement consistent with the intent of Ordinance No. 23 shall be regulated by the provisions of Section 6.7.5. **(ADDED BY AMENDMENT 117B)**

(j) See Section 7.7.1.1 for required setbacks of residences adjacent to agricultural lands.**(ADDED BY AMENDMENT 138A)**

SECTION 6.9 CONDOMINIUM SUBDIVISIONS (ADDED BY AMENDMENT 92)

Section 6.9.1 Intent

It is recognized that Michigan statutes provide for the implementation of developments consisting of one-family detached residential dwelling units and sites through procedures other than those enabled by the Subdivision Control Act (Act 288 of 1967, as amended). This section intends to provide procedures and standards for the review and approval or denial of one-family residential subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to ensure that developments are consistent and compatible with conventional one-family platted subdivisions and promote the orderly development of the adjacent areas. It is not intended that commercial or industrial condominium projects will be reviewed or approved.

Section 6.9.2 General Provision

For the purpose of this section, a Condominium Subdivision shall include any residential development in a residential or agricultural district proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended) consisting of two (2) or more single family detached residential structures on a single parcel, with the exception that the provisions of this Section 6.9.2 limiting condominium subdivisions to single family detached structures shall not apply to condominium developments which are reviewed and approved through the Special Use Permit - Planned Unit Development option.

Section 6.9.3 Required Plans and Conditions

Section 6.9.3.1 Condominium Lots

The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For this section and to assure compliance with the provision herein, these parcels shall be referred to as condominium lots. The description, size, location and arrangement of condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units.

Section 6.9.3.2 Area and Bulk Requirements

Each condominium dwelling unit shall be located within a condominium lot.

(1) The minimum size condominium lot per dwelling unit, maximum dwelling unit height, minimum yard setbacks, minimum elevational width of principal structure and maximum percentage of condominium lot area covered by all structures shall conform with the requirements of the zoning district in which located, and with Section 6.8 SCHEDULE OF REGULATIONS.

(2) The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.

(3) Side condominium lot lines shall be essentially at right angles to straight roads and radial to curved roads.

(4) Narrow deep condominium lots shall be avoided. The depth of a condominium lot shall not exceed two and one-half (2-1/2) times the width at the building line.

(5) Corner condominium lots shall have extra width to permit appropriate building setbacks from both roads or orientation to both roads.

(6) Condominium lots shall back into such features as primary roads, except where there is marginal access road, unless secondary access is provided. Such condominium lots shall contain a landscaped easement along the rear at least twenty (20) feet wide to restrict access to the primary road, to minimize noise, and to protect outdoor living areas.

(7) Condominium lots extending through a block and having frontage on two local roads shall be prohibited.

(8) Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads and condominium lots along M-37, Center Road, Peninsula Drive, Bluff Road, Montague Road and East Shore Drive shall be back up lots.

(9) All condominium lots shall front upon a public road, private road or frontage road. Variances may be permitted in an approved planned unit development.

Section 6.9.3.3 Streets

If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of this Ordinance. All public streets within a condominium subdivision shall be constructed as required by the Grand Traverse County Road Commission.

Section 6.9.3.4 Water Supply and Sewage Disposal Systems

Systems shall comply with the requirements of Section 5.4 REQUIRED IMPROVEMENTS: Section 5.4.4 WATER SUPPLY, and Section 5.4.5 SANITATION SEWER SYSTEM: of the Peninsula Township Subdivision Control Ordinance No. 8.

Section 6.9.3.5 Street Trees

There shall be a minimum of one (1) tree per interior condominium lot with a frontage of seventy (70) feet or less, or a minimum of two (2) trees per condominium lot with a frontage of more than seventy (70) feet, at least three (3) trees shall be provided for a

corner condominium lot. The species and location of street trees shall comply with the requirements of Section 5.4.8 STREET TREES: of the Peninsula Township Subdivision Control Ordinance No. 8.

Section 6.9.3.6 Accessory Structures **(ADDED BY AMENDMENT 163)**
Accessory structures to serve all unit owners in a condominium shall be allowed within the general common elements provided the accessory structure is shown on the site plan, and provided further:

(1) Each structure is no more than 200 square feet in area provided the total percent of the condominium parcel covered by all structures does not exceed the maximum amount allowed in the zoning district;

(2) The site plan includes the maximum area to be covered by all structures for each condominium unit and for the general and the limited common elements.

(3) The structure height is no greater than 15 feet;

(4) The structure meets the underlying zoning district setbacks from the property lines of the condominium project.

(5) The structure is located within the General Common Elements of the Condominium;

(6) The structure and its proposed use(s) is shown on the site plan approved or amended by the Township Board and receives a Land Use Permit from the Zoning Administrator prior to construction.

(7) The use of the structure shall be for one or more of the following uses.

    (a) Recreational - deck, gazebo, bus shelter or picnic shelter.

    (b) Utility - Storage of maintenance or recreation equipment or trash enclosures.

Section 6.9.3.7 Wetland and Floodplain Restrictions

Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential or commercial purposes or for uses that may in the judgment of the ZBA increase the flood hazard, or increase the danger to health, life, or property. See Section 7.4.7 Flood Plain and Wetland Controls. Such land within a condominium subdivision shall be set aside for uses, such as parks or other open space. **(REVISED BY AMENDMENT 195)**

Section 6.9.3.8 Removal of Fruit Trees
When an area having existing fruit producing trees, vines or shrubs, is approved for a condominium subdivision, the owner of the property shall remove and destroy all such trees, shrubs and vines before final approval of the condominium subdivision plan.

Section 6.9.3.9 Plans required for the Control of Erosion and Sedimentation
In the event that any developer shall intend to make changes in the contour of any land proposed to be developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained in Section 5.4.13 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION: of the Peninsula Township Subdivision Control Ordinance No. 8.

Section 6.9.4 Plan Application - Data and Information Required
The proprietor shall submit a written application to the Township Zoning Administrator for approval of the Condominium Subdivision Plan and the fee established by the Township Board for review of such plans.

Section 6.9.4.1 Condominium Plan, Protective Covenants and Deed Restrictions:
The condominium subdivision developer shall submit to the Township Zoning Administrator eleven (11) copies of the condominium subdivision plan and proposed protective covenants and deed restrictions which would meet the requirements of Section 112(1) and 113 to 119 of the Subdivision Control Act. The name of the proposed project shall be subject to the approval of the Township to eliminate duplicate names or names that are similar to existing developments.

(1) Size and Sale: The condominium subdivision plan may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least 1 inch to 100 feet showing the date and north arrow.

(2) Information Required: The following shall be shown on the condominium subdivision plan or submitted with it.
   (a) The name of the proposed condominium subdivision.
   (b) Names, addresses and telephone numbers of the proprietor and the surveyor preparing the plan.
   (c) Location of the condominium subdivision, giving the name of the township and county.
   (d) Legal description of the property
   (e) The names of property owners, zoning, and use of abutting lands.
   (f) Statement of intended use of the proposed condominium, such as, residential single family, two-family and multiple housing. Also, any

sites proposed for parks, playgrounds, schools, or other public uses.

(g) A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.

(h) A location map showing the relationship of the proposed plan to the surrounding area.

(i) The land use and existing zoning of the proposed condominium subdivision.

(j) Location, type, dimensions, and proposed use of all existing structures.

(k) Condominium lot lines and the total number of condominium lots by block.

(l) Contours shall be shown on the condominium subdivision plan at 5-foot intervals where slope is greater than 10%, and 2-foot intervals where slope is 10% or less.

(m) A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.

(n) Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.

(o) Right-of-way easements, showing location, width, and purpose.

(p) The location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, and soil types.

(q) In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by Michigan Department of Natural Resources as to the existence of any wetlands on the property.

(r) A statement of deed restrictions and by-laws as applicable.

Section 6.9.4.2 Preliminary Engineering Plans:
The proprietor shall submit nine (9) sets of preliminary engineering plans for streets, water, sewers, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make a determination as to the conformance of the proposed improvements to applicable township regulations and standards.

Section 6.9.4.3 Lighting Standards:
All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

Section 6.9.5 REVIEW PROCEDURES

Section 6.9.5.1 Distribution to Authorities:
The Zoning Administrator shall deliver the proposed condominium subdivision plan to the Planning Commission and Township Board for review. The Zoning Administrator shall retain one copy, send one copy each to the Peninsula Township Fire Chief; the

Township Planner; and to Grand Traverse County Planning Commission for plan review.

Section 6.9.5.2 Staff Review:
The Township Planner shall send recommendations to the Planning Commission at least ten (10) days prior to Planning Commission review as provided for in Section 6.9.5.3.

Section 6.9.5.3 Planning Commission:

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

(2) The Planning Commission shall hold a public hearing on the proposed condominium subdivision plan.

(3) If following the review and public hearing prescribed above, the Planning Commission determines that the proposed plan meets all requirements of this Ordinance, the Planning Commission shall send notice of action taken with comments to the Township Board.

(4) If the condominium subdivision plan does not meet all requirements, the Planning Commission shall recommend disapproval of the plan by the Township Board, it shall state its reason in its official minutes and forward same to the Township Board and recommend that the Township Board disapprove the condominium subdivision plan until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.

Section 6.9.5.4 Township Board:

(1) The Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
(2) The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the recommendations from the Planning Commission.
(3) The Township Board shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Board.

Section 6.9.6 Conditions and Duration of Approval

Section 6.9.6.1 Conditions:
The approval of the Township Board will indicate that the proposed condominium

subdivision plan meets the provisions of section 141. (1) of the Condominium Act relating to the ordinances and regulations of Peninsula Township but does not cover additional permits that may be required after the Master Deed has been recorded.

Section 6.9.6.2 Duration:
Approval of the condominium subdivision plan by the Township Board shall be for a period of one year from the date of its approval by the Township Board. The Township Board may extend the one-year period if applied for and granted in writing but only concerning its own requirements.

Section 6.9.6.3 Condominium Subdivision Plan Approval Contract:

(1) If the Township Board approves the condominium subdivision plan, it shall instruct the township attorney to prepare a contract setting forth the conditions upon which such approval is based; such contract, 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 condominium subdivision plan. All reasonable costs, as established by the Township Board, related to the preparation of said contract 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 of the condominium subdivision plan by the Township Board, 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% of the cost of the proposed improvements to common land, as estimated by the township planner, guaranteeing the completion of such improvement within a time to be set by the Township Board.

SECTION 6.10 VEHICULAR PARKING

Section 6.10.1 Intent and Purposes:
This district is intended to restrict the use of areas set aside for parking purposes as part of an adjacent or nearby land use under Section 7.6.1.

Section 6.10.2 Uses Permitted Under Special Conditions:
A lot or lots within the P-1 Vehicular Parking District shall be used only for off-street parking in accordance with Off- Street Parking and Loading Regulations, Section 7.6

Section 6.10.3 Yards and Lot Sizes:

(1) Maximum front and side yards shall conform to the requirement for the most restrictive adjacent zoning district.

(2) Lots shall be of sufficient size to permit the construction of a parking facility in

accordance with Off-Street Parking Requirements, Section 7.6.4.

ARTICLE VII: SUPPLEMENTARY REGULATIONS

SECTION 7.1 MISCELLANEOUS REGULATIONS:

Section 7.1.1 Prior Building Permits:

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 twelve (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 one and one-half (1-1/2) years after issuance of building permit.

Section 7.1.2 Sanitation Requirements:

No structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it meets the following requirements.

(1) Compliance shall be had with all provisions of the Tri-County Health Ordinance in force in Grand Traverse County entitled "Sanitary Code of Minimum Standards Regulating Sewage Disposal-Water Supplies and Sanitation of Habitable Buildings in Grand Traverse, Leelanau and Benzie Counties of Michigan" as the same may be amended from time to time, and violation of any provision of that Ordinance shall constitute a violation of this Ordinance.

Section 7.1.3

Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential or commercial purposes or for uses that may in the judgment of the Planning Commission increase the flood hazard, or increase the danger to health, life, or property. See Section 7.4.7 Flood Plain and Wetland Controls. **(ADDED BY AMENDMENT 195)**

SECTION 7.2 SUPPLEMENTARY USE REGULATIONS:

Section 7.2.1 Use of Structure for Temporary Dwelling:

No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance. No partial structure or other temporary structure whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time unless authorized by the Board of Appeals by the issuance of a temporary permit as provided for in Article V, Section 5.7.4.

Section 7.2.2 (DELETED BY AMENDMENT 100C)

Section 7.2.3 Mining or Removal of Topsoil:

No topsoil shall be removed for purposes of resale nor shall any open pit mining for the purposes of extracting sand, gravel or minerals be permitted in the A-1 zone within 200 feet of any public highway nor within 50 feet of any side or rear lot lines of any lot adjoining land zoned for residential uses, unless the removal within said restricted areas in this zone shall have been first approved by the Board of Appeals.

When an open pit mine or gravel pit has ceased to be worked regularly, any "attractive nuisance" features such as steep banks or deep holes that could be a hazard to the safety of children shall be promptly rough graded so as to remove such hazard or hazards. When an open pit mine or gravel pit has ceased to be worked regularly for a period of three years, it shall be rough graded in such a manner as to restore the land to contours harmonious with those of the surrounding terrain, protected from erosion and vegetative cover established.

Section 7.2.4 Outdoor Storage:

No land in any of the foregoing Districts shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, boats, salvage, waste and junk outside of properly authorized buildings within said Districts, except as required for the storage of usable farm machinery necessary for permitted agricultural uses and except as permitted in connection with a use otherwise authorized by the Commercial District.

Section 7.2.5 Stormwater Detention: (ADDED BY AMENDMENT 61 (8))

(1) When any land in the Township is developed or altered in any way which affects stormwater runoff, the owner shall develop and submit to the Zoning Administrator for approval by the Township a plan detaining any stormwater runoff onto adjacent properties including roads and other rights of way. Such detention shall follow accepted stormwater detention practices.

(2) The maximum amount of stormwater runoff allowed shall not exceed that which existed prior to the development or improvement of the property.

Section 7.2.6 Supplemental Setbacks for Planned Unit Developments, Mobile Home Parks and Other Group Housing Developments:

(1) Intent and Purpose: 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 or intended 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 planned unit developments, mobile home parks and other group housing developments

may involve higher densities of land use, or building types may distinctly differ from the single-family, conventionally built dwellings which predominate the Township, periphery setbacks for such developments are established.

(2) Periphery Setbacks All buildings including single-family dwellings and mobile homes within a planned unit development, a group housing development or a mobile home park development shall be placed at least fifty (50) feet from any public right-of-way line for existing roadways bordering a site, and at least thirty (30) feet from any development boundary line which is not a public road right-of-way. Setback spaces shall be occupied by plant materials and appropriately landscaped.

Section 7.2.7 Setback for Agricultural Lands Abutting Certain Residential Land Uses:

In the event that lands abutting a mobile home park are brought into agricultural production after the development of the mobile home park, the agricultural lands and the related activities shall be separated from any residential or accessory structure by a buffer of one hundred (100) feet in width. The buffer under the control of the farm operator shall be measured between the lands used for agricultural purposes and any residential or accessory structure on the adjacent parcel.

Section 7.2.8 Accessory On-site Solar Energy Systems: (ADDED BY AMENDMENT 199) (REVISED BY AMENDMENT 200)

(1) Intent and Purpose: It is the purpose of this sub-section to promote the safe, effective, and efficient use of accessory on-site solar energy systems to generate electricity. Such systems are sized to meet the energy demands of the subject property as part of a net metering program under an agreement between the utility company and the property owner wherein the solar energy produced on-site is commensurate with the energy needs of the subject property, or as needed for an off-grid application. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for accessory on-site solar energy systems designed to meet on-site energy needs. This section does not include principal commercial solar energy systems.

(2) Accessory Roof Mounted Solar Energy Systems. Accessory roof-mounted solar energy systems for on-site use are allowed in all zoning districts, subject to the following regulations:

(a) Height. Roof-mounted systems shall not extend more than 3 feet above the roofline and shall not exceed the required permitted building height.

(b) Location. Roof-mounted solar energy systems may be located anywhere on a roof, but shall not protrude beyond the edge of the roof.

(3) Accessory Ground-Mounted Solar Energy Systems (10kW or less). Accessory ground-mounted, 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:

(a) Location and Setbacks. In the A-1 zoning district, ground-mounted solar energy systems (10KW or less) must be setback at least 50 feet from any property line. In other zoning districts, ground-mounted solar energy systems (10kW or less) may not be located closer to the front lot line than the principal structure, and shall be setback from all property lines at least 15 feet when the system produces 1 kW or less. For larger systems and additional 2 feet of setback is required for each 1kW above 1 kW to the maximum of 10kW (a 10kW system would require a 33-foot setback). All setbacks are measured from the outermost points of the nearly horizontal plane of a solar panel itself at its static position or at maximum horizontal tilt if mechanized to move with the sun (not from support structures).

(b) Height. The height of the solar energy system, including all structural support elements, shall not exceed 10 feet when oriented at maximum tilt.

(c) Area. Accessory ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the applicable zoning district (measured from the outermost points of the nearly horizontal plane of the solar panel itself at its static position or at maximum tilt if mechanized to move with the sun).

(4) Accessory Ground-Mounted Solar Energy Systems (More than 10 kW, but less than 30 kW). Accessory ground-mounted, freestanding solar energy systems (more than 10kW, but less than 30kW) are permitted accessory structures, or special uses, in the A-1 zoning district, and subject to the following regulations:

(a) Location and Setbacks. Accessory ground-mounted solar energy systems must be setback at least 50 feet from any property line. All setbacks are measured from the outermost points of the nearly horizontal plane of the solar panel itself at its static position or at the maximum horizontal tilt if mechanized to move with the sun (not from support structures).

(b) Height. The height of the solar energy system, including all structural support elements, shall not exceed 10 feet when oriented at maximum tilt.

(c) Area. Accessory ground-mounted solar energy systems shall be subject

to the maximum lot coverage standards (measured from the outermost points of the nearly horizontal plane of the solar panel itself at its static position, or at the maximum horizontal tilt if mechanized to move with the sun).

(d) Viewsheds. A defined viewshed is identified on a map titled Peninsula Township Prime Scenic Views separately adopted by the Peninsula Township Planning Commission and Township Board which identifies prominent views of exceptional landscapes. When the subject parcel is not in a viewshed, ground-mounted solar systems are permitted accessory structures. When the subject parcel is in a viewshed, special use approval pursuant to Section 8.7 is required.

(5) Accessory Ground-Mounted Solar Energy Systems (30kW or greater). Accessory ground-mounted, freestanding solar energy systems (30kW or greater) are a Special Use in the A-1 zoning district. However, accessory ground-mounted solar energy systems (30kW or greater) may not be located on a parcel included in a viewshed as illustrated on a map titled Peninsula Township Prime Scenic Views separately adopted by the Peninsula Township Planning Commission and Township Board. Accessory ground-mounted solar energy systems (30kW or greater) are subject to the following regulations:

(a) Location and Setbacks. Accessory ground-mounted solar energy systems must be setback at least 50 feet from any property line. All setbacks are measured from the outermost points of the nearly horizontal plane of the solar panel itself at its static position or at the maximum horizontal tilt if mechanized to move with the sun (not from support structures).

(b) Height. The height of the solar energy system, including all structural support elements, shall not exceed 10 feet when oriented at maximum tilt.

(c) Area. Accessory ground-mounted solar energy systems shall be subject to the maximum lot coverage standards (measured from the outermost points of the nearly horizontal plane of the solar panel itself at its static position, or at the maximum horizontal tilt if mechanized to move with the sun).

(6) General Standards. All accessory roof-mounted and ground-mounted solar energy systems are subject to the following regulations:

(a) Permits. A Land Use permit or Special Use permit shall be required for all ground-mounted solar energy systems as described above.

(b) 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.

(c) Removal. If any solar energy system ceases to operate for more than 12 consecutive months, it shall be considered junk, removed from the premises and subject to Ordinance No. 41 (Peninsula Township Junk Ordinance).

(d) PDR Land. Accessory ground-mounted solar energy systems as defined in this Section constitute agricultural structures and/or buildings and are permitted on PDR land.

SECTION 7.3 SUPPLEMENTARY HEIGHT AND AREA REGULATIONS:

Section 7.3.1 Permitted Exceptions:

When a given use is permitted in any District, the following kinds of structural appurtenances shall be permitted to exceed the otherwise required height limitations for authorized uses, provided that they shall not be used for human occupancy:

(1) Ornamental church steeples and cupolas.

(2) Functional chimneys, ventilators, television aerials and ham radio antenna. **(REVISED BY AMENDMENT 159)**

Section 7.3.2 Permitted Exceptions, Agricultural Districts:

In the agricultural district, traditional agriculture related buildings, such as barns and silos, may be constructed to heights in excess of that specified for the district, provided they are first granted a special use permit for such exception under the procedures and requirements of Section 8.1 of this Ordinance.

Section 7.3.3 Individual lot areas in plats abutting certain agricultural lands

Described in Section 4.7.10 of the Township Subdivision Control Act recorded subsequent to the date of this amendment may be less than the required minimum PROVIDED the average lot size in the recorded plat is not less than the required minimum and PROVIDED FURTHER that any reduced lot size is not less than Seventy (70) percent of the required lot area. Provision for reduced lots shall be stated on the recorded plat so that minimum average lot sizes will be maintained in the event of any subsequent amendments to the plat. No more than twenty (20) percent of the total lots in the plat shall contain less than the required minimum lot area.

Section 7.3.4 Any lot existing and of record on the effective date of this original Ordinance

May be used for any permitted use specified for the District in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance, PROVIDED that all other requirements of this Ordinance are complied with, and PROVIDED FURTHER that not more than one (1) dwelling unit shall occupy any lot except in conformance with the required lot area for each dwelling unit.

SECTION 7.4 SUPPLEMENTAL GREAT LAKE SHORELAND REGULATIONS:

Section 7.4.1 Intent and Purpose:

It is the intent and purpose of this Ordinance to protect water quality and land resources related to the Great Lakes Shoreland for the future health, safety and welfare of Township residents.

Section 7.4.2 Shared Waterfront Ownership:

Any waterfront land that is to be used by more than one family shall meet the following requirements:

(1) Intent: It is the intent of this section to reduce the conflicts that occur between residential single-family use and shared waterfront use, such as a number of families using the beach, making noise, trespassing, temporarily storing boats, boat hoists and other equipment.

(2) Land Use Permit: Where more than one family has Shared Waterfront Ownership in the waterfront property, a land use permit shall be obtained from the Zoning Administrator. The application for land use permit shall indicate the number of families with access rights, the name and address of a principal family member for each family, the name and address of one person who shall receive the tax bill in the event that all families do not have taxable real property in Peninsula Township and a site plan showing compliance with the minimum requirements of this Section

The Zoning Administrator shall be notified of any change in ownership.

(3) Minimum Lot Widths and Vehicle Parking Space Requirements:

(a)

No. of Families With Access Rights	Minimum Lot Width
Two Families	100
Three Families	150
Four Families	200
Over Four Families (Five additional feet per family)	

(b) One parking space for each boat hoist shall be provided off the traveled portion of the road such that all portions of a parked vehicle are at least five
(5) feet from the driving lane to provide safe egress from the vehicle.

(c) Each parking space shall be a minimum of twenty-three (23) feet in length. The parking space does not have to be paved or graveled. **(REVISED BY AMENDMENT 122) REVISED BY AMENDMENT 190)**

(4) Group docking, hoist and other related facilities and boat hoists shall not exceed one dock per parcel and one boat hoist per fifty (50) feet of shoreline, measured at the ordinary high-water mark, and shall be located as near as possible to the center of the parcel.

(5) No dock shall be wider than seven (7) feet and no longer than necessary to provide adequate water depth for the boat using the dock or boat hoist.

(6) No dwelling units or clubhouses are allowed on shared waterfront parcels.

(7) The area within fifteen (15) feet of side lot lines shall not be used for the permanent or temporary placing or storage of boats, boat hoists and other equipment, nor for locating fire pits or decks flush with the ground.

(8) A portable toilet is allowed, provided it is not placed within a road right-of-way, and not closer than twenty (20) feet from the water's edge. Also provided that screens shall be between the toilet and the nearest property line, the road and the water. **(REVISED BY AMENDMENT 109B**)

Section 7.4.3 Filling and Grading Within 200 feet of Normal High-Water Mark:

The following rules shall apply to any filling, grading or other earth movement within 200 feet of the normal high-water mark to prevent harmful erosion and related sedimentation:

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

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

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

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

(5) The Zoning Administrator may issue a land use permit for a sea wall without regard to the Minimum yard setback from the ordinary high-water mark otherwise required in Section 6.8.1 when a sea wall is necessary to protect or prevent structures on the premises from erosion damage caused by high water.

Section 7.4.4 Removal of Shore Cover:

Regulation of tree cutting along the Great Lakes shoreline is necessary to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. These provisions shall not apply to the removal of dead, diseased or dying trees at the discretion of the landowner, or silvicultural thinning upon the recommendation of a forester. Tree cutting in a strip paralleling the shoreline and extending thirty-five (35) feet inland from all points along the normal high-water mark of the shoreline shall be limited in accordance with the following provisions:

(1) No more than 30% of the length of this strip shall be clear cut to the depth of the strip.

(2) Provided, further that cutting of this 30% shall not create a clear-cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline.

(3) In the remaining 70% length of this strip cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, as seen from the water; to preserve natural beauty and to control erosion.

(4) Natural shrubbery shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

(5) Paths - any paths, roads or passages within the strip shall be so constructed or surfaced as to be as effective in controlling erosion.

(6) Cutting Plan - as an alternative to the above requirements a special cutting plan allowing greater cutting may be permitted by the Board of Appeals. In applying for such a permit, the Board may require the lot owner to submit a sketch of his lot including the following information: location of all structures, location of parking, the gradient of the land, existing vegetation, proposed cutting and proposed replanting. The Board may grant such a permit only if it finds That such special cutting plans:

(a) Will not cause undue erosion or destruction of scenic beauty, and

(b) Will provide substantial shielding from the water of dwellings, accessory structures and parking areas. The Board may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement

shall be enforceable in court.

(7) Commercial Forestry - from the inland edge of the thirty-five (35) foot strip to the outer limits of the shoreland the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this provision is to favor long-lived species.

Section 7.4.5 Review by Michigan Water Resources Committee

If it is determined by the Zoning Administrator that any proposed structure may adversely affect, deteriorate or alter the shoreland resource, preliminary plans and specifications shall be transmitted to the staff of the Michigan Water Resource Commission for review and approval. If it is determined by the Water Resources Commission staff that such development would adversely affect public and private rights, impair the public trust or otherwise deteriorate the unique shoreland resource, such determination shall be considered sufficient justification for denying a building permit.

Section 7.4.6 **(DELETED BY AMENDMENT 61(10) 8/13/85)**

Section 7.4.7 Flood Plain and Wetland Controls: **(REVISED BY AMENDMENT 195)**

(A) Wetland.

Definition of Wetland**:** Land characterized by the presence of water at 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 Act, 1994 PA 451, as amended.

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

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

(2) Except as specified in subsection (3), there shall be no development or modification of any kind within a wetland or wetland setback. Wetlands may be used for density calculations and incorporated into Storm Water Management Plans.

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

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

(5) Compliance with Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

(B) Flood Plain.

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

(1) Notwithstanding anything to the contrary in this entire Ordinance, any request to fill in a flood plain of a parcel or a portion thereof, must be evaluated together with the proposed use of the land after the filling in of the flood plain or portion of the flood plain, and such proposed use must be a permitted use as set forth in Section 7.4.7 (B) (3). A request to fill in the flood plain or a portion thereof will not be considered alone and is not permitted.

(2) Flood Plain Area Identification**:** Flood plain areas shall be those areas

falling below elevation 584 feet North American Vertical Datum of 1988 or in accordance with all FEMA FIRM panel maps effective 8/28/2018. Such flood plain areas may not be filled in except as specifically set forth and subject to Section 7.4.7 (B) (1) and (3), and (5). The Zoning Administrator shall obtain, review and reasonably utilize flood elevation data available for federal, state and or local resources. The most recent flood evaluation data received from FEMA shall take precedence. In the event of reasonable doubt as to the location of a flood plain, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a professional engineer, licensed surveyor, plant ecologist, hydrologist, soils scientist or other relevant professional. showing the extent and location of the flood plain areas per Part 31 of the Act, 451 PA 1994, as amended.

(3) Permitted Uses: In conformity with Section 7.4.7(B)(1), no uses shall be permitted to occur within a flood plain or to occur on a parcel for which a request has been made to fill in the flood plain or a portion thereto, except the following:

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

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

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

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

(4) Restricted Uses: Any structure where human habitation is contemplated either as a place of residence, place of work, or place of public gathering shall be prohibited from locating in the flood plain as provided by 7.4.7(B)(1). These structures shall be installed above the Base Flood Elevation (BFE).

(5) Required Conditions for Permitted Uses**:** To the extent that a request to fill in the flood plain on a parcel or a portion of a parcel along with the permitted use as set forth in Sections 7.4.7 (B)(1) or (3) has been granted, such granting of the request is subject to the following conditions:

(a) Any work, construction, or filling in the flood plain shall conform to the requirement of Section 7.4 7 of this Article, and permits for such work, construction, or filling in the flood plain shall not be issued unless they receive review and approval by the Zoning Administrator and the Township Engineer.

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

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

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

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

(6) Vegetated Buffer Protection: All shoreline properties including flood plain areas shall have a vegetated strip inland of the beach area to filter nutrients and stormwater and give protection from lake waves. The use of deep-rooted shrubs, trees, and native plants provides greater protection than man-made structures.

(7) Retaining Wall or Seawalls: Notwithstanding Section 7.4.3(5), There shall be no retaining walls or seawalls in any floodplain area.

SECTION 7.5 NON-CONFORMING USES AND STRUCTURES: (REVISED BY

AMENDMENT 171B)

Section 7.5.1 Intent and Purpose:

Non-Conforming Use. At the discretion of the owner, the lawful use of any building, structure, land or premises existing prior to the effective date of this Ordinance, although the use does not conform to the provisions of this Ordinance, may be continued; and such use of any building may be extended throughout such building, provided no structural changes be made therein except those required for safety and sanitation.

Non-Conforming Structure. It is the intent to allow the continued use of a non-conforming structure. It is also the intent that the Zoning Board of Appeals may grant a variance to move or reconstruct a non-conforming structure where the structure was legally built on parcels that would be otherwise unbuildable due to overlap in the yard requirements. It is not the intent to allow significant increases in the intensity of previously established residential use on otherwise unbuildable lots. It is not the intent to allow the construction of a residence on a vacant parcel where yard requirements meet or overlap such that there is no buildable area on the parcel.

Section 7.5.2 Change of Use:

Whenever the non-conforming 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 non-conforming use. If the non-conforming use of any building, structure or land is discontinued through vacancy, lack of operation or otherwise for a continuous period of twelve (12) months, then any future use of said building, structure or land shall conform, in its entirety, to the provisions of this Ordinance; provided, however, that the Board of Appeals may, upon application within six (6) months of the termination of said period, permit the resumption of such non-conforming use.

Section 7.5.3 Reconstruction of Damaged Non-Conforming Structure:

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming 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, wherein the non-conforming user has first obtained the approval of the Board of Appeals, wherein the Board of Appeals has first determined that the continued use will be substantially the same as the previous non-conforming use and that such continued use will not be detrimental to the health, safety and welfare and that substantial justice is achieved.

Section 7.5.4 Repair and Alteration of Non-Conforming Structure:

Nothing in this Ordinance shall prevent the repair, alteration, reinforcement, improvement or rehabilitation of a non-conforming building or structure or part thereof existing at the effective date of this Ordinance that may be necessary to secure or insure the continued advantageous use of the building or structure; provided, however, that

such repair, alteration, reinforcement, improvement or rehabilitation proposes no change in the use of said building or structure or any part thereof.

Section 7.5.5 Additions to Non-Conforming Structure:

(1) The Zoning Administrator shall issue a land use permit for an addition to a lawful non-conforming structure provided all of the following are met:

(a) the addition is not located in any required yard or ordinary high water mark setback; and

(b) 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).
(REVISED BY AMENDMENT 176A) (REVISED BY AMENDMENT 190)

Section 7.5.6 Moving or Replacing Non-Conforming Structure:

The Township Zoning Board of Appeals may grant a variance for moving or replacing a residential structure on a legal non-conforming lot so that the continued intensity of residential use of the lot is substantially the same as in the pre-existing structure, provided all of the following are met:

(1) The moved or replaced structure is less non-conforming than the previous structure;

(2) There is increased safety to the residents of the structure and to the traveling public on the road providing access to the parcel;

(3) Safety and substantial justice is achieved;

(4) If the variance allows the structure to encroach into the setback from the Ordinary High-Water Line, conditions of approval shall include:

(a) provisions for stabilization of the shoreline so that the structure is not likely to be damaged by high water or wave action;

(b) there is no additional detriment to adjacent properties;

(c) shoreline vegetation is existing or established consistent with the intent of Section 7.4.4 Removal of Shore Cover; and

(d) sea walls will not be allowed unless it is determined that there is no feasible alternative.

(5) In addition to (1) through (4) above, the subject parcel shall also meet all of the basic and special conditions as provided for all variances in Section 5.7.3. **(REVISED BY AMENDMENT 176B)**

Section 7.5.7 District Changes:

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 non-conforming as a result of boundary changes.

SECTION 7.6 OFF-STREET PARKING AND LOADING REGULATIONS:

Section 7.6.1 Requirements:

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

(1) Location of Residential Off-Street Parking spaces may be within a rear yard or side yard. Off-street parking shall not be permitted within a minimum front yard setback unless otherwise provided in this Ordinance.

(a) Required residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

(2) Location of Off-Street Parking for Other Than Residential Use: Shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.

(3) Joint Use of Off-Street Parking Areas: May be provided collectively by two or more buildings or uses PROVIDED the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately.

(a) In the instance of dual function of off-street parking spaces where operating hours or parking needs of individual building or uses occur at distinctly different times, the Board of Appeals may grant an exception.

(4) Fractional Spaces: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½)

shall require one (1) parking space.

(5) In Cases of Uses Not Specifically Mentioned: The requirements of off-street parking spaces shall be in accord with the use which the Zoning Administrator considers is similar in type.

(6) Use of Off-Street Parking Areas shall prohibit commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles.

Section 7.6.2 Definitions:

The term "floor area" as applied in this Section is that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, but excluding floor areas which are used or intended for use exclusively for storage, for housing of mechanical equipment integral with the building, hallways, or utilities or maintenance facilities.

(1) Measurement of floor area shall be of the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

(2) Dwelling unit, as used in this section, shall be consistent with the definition of dwelling unit contained in Article III.

Section 7.6.3 Parking Space Requirements:

The number of required off-street parking spaces in all Districts shall be provided in accordance with the following minimum requirements:

USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
(1) Residential (a) One-Family, Two-Family Multiple Family, Mobile Home	Two (2) for each dwelling unit.
(b) Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee.
(c) Mobile Home Park	Two (2) for each mobile home site plus one (1) for each employee, plus one (1) visitor space for each four (4) mobile homes.
(d) Adult Foster Care Facility	One (1) for each non-resident employee on the maximum shift plus one (1) for each three adult foster residents occupying the home, in addition to those required for permanent non-foster residents of the home.

(2) <u>Institutional</u> (a) Churches or Temples	One (1) for each three (3) seats in the main unit of worship.
(b) Private Clubs, swimming pool clubs, or similar uses.	One (1) for each two (2) members' families or individuals plus spaces for each accessory use, such as a restaurant or bar.
(c) Golf courses open to the general public, except miniature or "par-3" courses	Four (4) for each one (1) golf hole plus one (1) for each two employees.
(d) Nursery or Child Care Centers	One (1) for each three hundred and fifty (350) square feet of floor space.
(3) <u>Business and Commercial</u> (a) Beauty Parlor or Barber Shop	Two (2) for each beauty and/or barber shop chair.
(b) Restaurants, taverns, bars	One (1) for each seventy-five square feet of floor area.
(c) Gasoline Service Station and automobile repair garages	One (1) for each service and repair stall, plus one (1) for each worker on each shift.
(d) Laundromats and coin operated dry cleaners	One (1) for each two (2) washing or dry-cleaning machines
(e) Retail Stores, except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of floor area.
(4) <u>Offices</u> (a) Business or professional offices, except doctors, dentists, or similar professions	One (1) for each two hundred (200) square feet of floor area.
(b)Professional Offices or doctors, dentists, or similar professions	One (1) for each one hundred (100) square feet of floor area.

(5) Industrial and Warehousing (a) Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices	Five (5) plus one (1) for every one (1) employee for the largest working shift.
(b) Warehouses or wholesale establishments and related accessory offices	Five (5) plus one (1) for every one (1) employee for the largest working shift
(6) Marinas	One space for each one hundred fifty (150) square feet of building area, exclusive of area used for boat storage, plus one additional space for every one and one-half (1.5) slips or mooring locations, excluding designated transient slips. Additional spaces will be required for such uses as stores and restaurants as provided above.
(7) Bed and Breakfast Establishments	One (1) space per rental sleeping room in addition to the two (2) spaces required for owner/occupant.
(8) Hotel, Motel, Tourist Court	One (1) for each sleeping room, plus one (1) for each employee of the maximum working shift.
(9) Retail Farm Processing Facilities **(ADDED BY AMENDMENT 201)**	One (1) for each one hundred (100) square feet of retail floor space plus one (1) for each employee of maximum working shift, plus three (3) spaces for tour buses or cars with trailers. In addition, truck loading and unloading areas shall be designated
(9) Wholesale Farm Processing Facilities **(ADDED BY AMENDMENT 201)**	Five (5) plus one (1) for each one (1) employee for the largest working shift. In addition, truck loading and unloading areas shall be designated.
(11) Headquarters Building **(ADDED BY AMENDMENT 114F)**	One (1) for each two hundred (200) square feet of floor area plus one for each employee on the largest working shift.
(12) Recreational Unit Site **(ADDED BY AMENDMENT 114F)**	Each site shall have a parking space for at least one (1) vehicle other than the recreational unit.

Section 7.6.4 Off-Street Parking Site Development Requirements:

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

(1) No parking lot shall be constructed until a permit is therefore issued by the Zoning Administrator.

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

(a) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
(Parallel parking)	12 ft.	8 ft.	23 ft.
30 to 53	12 ft.	8 ft. 6 in.	20 ft.
54 to 74	15 ft.	8 ft. 6 in.	20 ft.
75 to 90	20 ft.	9 ft.	20 ft.

(b) All parking spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited.

(c) Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.

(d) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any residential district.

(e) Except for residential lots, all parking areas, including parking spaces and maneuvering lanes shall be surfaced with a material that shall provide a durable, smooth, and dustless surface; and shall be graded and drained to dispose of all collected surface water.

(f) All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

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

(3) All parking areas containing over twenty-seven hundred (2700) square feet or more of parking area, including access drives thereto, shall be effectively landscaped with planting strips on all sides adjacent or visible from surrounding properties and on all sides abutting a public street.

(a) Landscaping Defined: Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rock ground cover not to exceed twenty (20%) percent of the total of any landscaped area, earth mounds, and such structural features as fountains, pools, artworks, screens, walls, fences, or benches, but such objects alone shall not meet the requirements of this section.

(b) Landscaping Design Standards:

1. Any required planting strip shall be a minimum of ten (10') feet in width.
2. One street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.
3. Where screens of non-living material are used, at least one shrub or vine shall be planted on the right-of-way of the property line side for each ten (10) lineal feet of screen or fraction thereof.
4. Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, the interior being defined as the area within the perimeter of the paved surface. Landscaped areas shall be a minimum of seventy-five (75') square feet with a minimum dimension of eight (8') feet. Interior landscape areas shall be designed so as to create minimum interference with snow removal.
5. The selected combination of plant material shall be a harmonious combination of living deciduous and evergreen trees, shrubs and vines so arranged to present as aesthetically pleasing whole.
6. The application of the above standards may be adjusted, in part or in whole, to allow credit for healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

(c) Maintenance: It shall be the owner's responsibility to see that the landscaping is maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants.

(d) Occupancy: No occupancy of land use shall occur unless the parking and landscape improvements have been completed or a completion bond, a cash deposit, a letter of credit or certified check to cover the cost of the contemplated improvements as estimated by the Zoning Administrator has been deposited with the Zoning Administrator.

(e) Time Period: The required improvements are to be completed within one year of the issuance of a land-use permit. In the event of unusual delays or adverse weather conditions that make it impossible to plant, the Zoning Administrator may grant a single extension of the time limit for a further period of not more than six months.

(4) Whenever a development requiring off-street parking has parking areas containing over twenty-seven hundred (2700) square feet or more, provision shall be made for an on-site snow storage area in addition to the required parking lot area. snow storage shall be provided on the ratio of fifteen (15) square feet per one hundred (100) square feet of parking lot surface area. Snow storage areas shall be located in such manner that when utilized they do not interfere with clear visibility of traffic or adjacent streets and highways and the landscaping required in Section 7.5.4(3) is protected from damage.

SECTION 7.7 DEVELOPMENTS ABUTTING AGRICULTURAL LANDS:
(REVISED BY AMENDMENT 91.) (REVISED BY AMENDMENT 138)

Section 7.7.1 Agricultural Setback:
The following setbacks shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed; and on those metes and bounds parcels created after the effective date of this amendment, as provided below.

Section 7.7.1.1 Requirement for Agricultural Setback:

(1) A setback of 100 feet from the property line of the adjacent property shall be required for accessory uses, buildings or structures as follows:

(a) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned A-1 Agriculture, and;

(b) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is shown on the Agricultural Preserve Map of the Peninsula Township Comprehensive Plan as adopted and amended from time to time by the Planning Commission.

(2) A setback of 50 feet from the property line of the adjacent property shall be required for those portions of metes and bounds parcels created after the adoption of this amendment that have a common line with land that is zoned A-1 Agriculture unless that A-1 Agriculture zoned land is being used for residential purposes.

(3) The setback areas required by (1) and (2) above shall not be used for accessory uses, buildings or structures.

(4) A setback of 100 feet shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is currently being used for agricultural production that includes the carrying on of usual soil practices of cultivation, spraying and fertilization.

Section 7.7.1.2 Lot Designation:
Subdivision Lots or Condominium Limited Common Elements adjacent to such agricultural lands shall have designated building sites shown on the preliminary and final plans. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for zoning permits shall show such designated sites.

Section 7.7.1.3 Exceptions to Required Setbacks:
(1) The Township Board may, upon recommendation of the Planning Commission, decrease the required setback on any or all lots or limited common elements when the Township Board determines that one or more of the following conditions exist:

(a) The existence of topographic conditions i.e., steep slopes, changes in grade, wetlands etc. or other site conditions which make it:

1. unlikely that any of the uses allowed in the agricultural district would be located on the adjacent agriculturally zoned land; or

2. so that the properties are sufficiently separated to mitigate incompatibilities of use;

(b) There exists an easement such as a conservation easement on the land adjacent to the proposed plat that restricts agricultural uses in

such a manner that protection to future homeowners is equal or better than that provided by the 100-foot setback; or.

(c) There are existing residential uses along the lot line of the agriculturally zoned property.

Section 7.7.2 Fencing Certain Agricultural Lands:

When lands used for a planned unit development, mobile home park or other group housing development abut agricultural lands as described in Section 7.7.1, the developer shall, prior to construction of residential units, install a control fence along the boundary between the development and the agricultural lands unless the Township Board determines that trespass problems are not likely and in that case the Board may determine that the fence is not required. The fence is intended to limit trespass onto agricultural lands. If, at a later date, the Township Board determines that trespass is a problem, the Township Board after holding a public hearing on the issue may then require the owner or owners of the property adjacent to agricultural land to install a fence.

(1) Suggested minimum fencing specifications:

(a) Mesh: No. 11 gauge woven wire farm fence shall be 46-1/2" in height with 6-1/2" square mesh pattern (uniformly spaced).

(b) Line Posts: Wood line posts shall be 4-1/2" minimum diameter and 7' in length, spaced not more than 16'6" (center to center) and set 2'6" into the ground. All posts shall be wolmanized or treated in an equivalent manner. Wood shall be cedar, oak or approved equal.

(c) Corner, End, Gate and Intermediate Braces Posts: These shall be 8' minimum length and 8" minimum diameter, set 3'6" into the ground, spaced l0' from adjacent line posts, and located as shown on Plans. Intermediate braced posts shall be located a maximum of 660' apart on straight runs. Corner post shall be located at all changes in direction.

(2) Fencing required by this Section shall be built as approved by the Township Board. **(REVISED BY AMENDMENT 137A)**

SECTION 7.8 REMOVAL OF FRUIT-PRODUCING TREES, VINES OR SHRUBS FROM PROPERTIES BEING DEVELOPED:

Because of the unique character of Peninsula Township as a commercial fruit- producing area where the livelihood and well-being of many area residents depends on the successful production of fruit crops, it is necessary to control dangerous insects and infectious plant diseases which constitute a menace to such fruit crops. Since neglected, abandoned, or semi-abandoned fruit-producing plants often harbor such

insects, pests and plant diseases, the owner of properties being developed for planned unit developments, mobile home parks, or other group housing developments shall remove and destroy all existing fruit-producing plants from the subject properties. The removal of all such plants shall occur prior to the commencement of construction unless it can be clearly demonstrated that the plants will be maintained and treated on a regular basis by a pesticide applicator licensed by the Michigan Department of Agriculture.

SECTION 7.9 AIRPORT OVERLAY DISTRICT.

Section 7.9.1 Definitions:

Airport Overlay Zone District- The Airport Overlay Zone District is the airport hazard area
consisting of all of the lands within Peninsula Township lying beneath the approach, transitional, 149 feet horizontal, conical and 500-foot horizontal surface; said land being located within a circle having a radius extending horizontally (6.32 miles) from the established center of the useable landing area of the airport.

CRITICAL ZONE. The critical zone includes the clear zone approach-departure surface and the transitional surface as defined in the attached diagram (Airport Imaginary Surfaces).

INNER HORIZONTAL SURFACE AREA. The inner horizontal surface area is that area surrounding the airport for a distance of three miles, excluding the clear zone surface, transitional surface and airport approach-departure clearance surface.

OTHER HORIZONTAL SURFACE. The outer horizontal surface is the airport hazard area less the critical zone area beyond a three-mile distance of the Inner Horizontal Surface area to the outer boundary of the Airport Overlay Zone District.

Section 7.9.2 Area Affected

Every parcel of land that lies in whole or in part within the Airport Overlay Zone as depicted on the Official Zoning Map is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone. The regulations of this Overlay Zone are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

Section 7.9.3 Height Limitations

No person shall erect any building or structure to an actual height in excess of the height limitations indicated below unless issued a permit by Peninsula township. Structure heights exceeding the following limitations may be granted a permit upon

receipt of a favorable review in response to notice being filed with the FAA or State of Michigan Aeronautical Department by the applicant in response to the applicant's submission of a Form 7460.

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

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

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

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

Section 7.9.4 Conflicting Federal or State Regulations

The regulations of the Airport Overlay Zone are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulations Part-77), the State of Michigan (P.A. 23 of 1950 as amended by P.A. 158 of 1976), or any agencies thereof, including, but not limited to, the giving of notice of any construction, erection or alteration of a building or structure that:

(1) Would be more than 149 feet above ground level at its site.

(2) Would be above any imaginary surface extending outward and upwards at 100:1 slope within 20,000 feet of the nearest point of an airport runway more than 3,200 feet in length; or

(3) Would be above any imaginary surface extending outward and upward at 50:1 slope within 10,000 feet if the nearest point of an airport runway less than 3,200 feet in length.

Section 7.9.5 Unlawful Land Uses

It shall be unlawful to put any parcel within 3 miles (inner horizontal surface area) of the Airport to any use which would:

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

(2) Make it difficult for aircraft pilots to distinguish between airport lights and other

lights or result in glare in the eyes of aircraft pilots using the airport.

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

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

(5) Abnormally attract birds.

(6) Would otherwise create an airport hazard.

Section 7.9.6 Land Use Guidance Zones

(1) Purpose: the purpose of Land Use Guidance Zones (Sheet 5, Airport zoning Plans) is to designate areas wherein certain types of land uses that are recommended due to undesirable effects that may be caused due to the operation of aircraft within such zones.

(2) Acceptable Land Use: The use of land within the areas shown on the zoning plans are compatible, land use as outlined in Land Use Guidance Chart II, as shown on Sheet 5 of the zoning plans.

Section 7.9.7 Official Zoning Map

The Official Zoning Map is hereby amended to show the Airport Overlay Zone as provided for in the approved Cherry Capital Airport Zoning Plans Sheet 1 through 5, as approved by the Peninsula Township Planning Commission on November 21, 1989.

SECTION 7.10 ROAD STANDARDS (ADDED BY AMENDMENT 88)

Section 7.10.1 Frontage Road Permit:

The Zoning Administrator shall issue a preliminary road frontage permit prior to the commencement of any construction work on a frontage road. Such permit shall only be issued after the initial plans, specifications, drainage plan, easement language, and joint maintenance agreement have all been approved. The final frontage road permit shall be issued after the private road has been constructed and, if requested by the Zoning Administrator, certification has been made by a Licensed Professional Engineer that the facility was built according to the submitted plans and specifications or that any deviation from the approved plans and specifications does not impair the functional intent of the approved design.

(1) No parcel of land or lot created after the adoption of this amendment shall be issued a land use permit without having the required lot width or frontage width along a public road, a private road or an approved frontage road.

(2) No land use permit for a structure shall be issued until the preliminary road

frontage permit has been issued, and no occupancy permit shall be issued until the final frontage road permit has been issued by the Zoning Administrator.

(3) Only public roads shall be used to access non-agricultural commercial, industrial or business uses, however private internal roads may be used as access to individual buildings or uses within an approved development.

Section 7.10.2 Joint Maintenance Agreement:

(1) A proposed easement and road maintenance agreement shall be provided to the Township Zoning Administrator. The easement and road maintenance agreement shall provide as a minimum:

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

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

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

(d) The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.

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

(f) A statement that the owners have not asked the Grand Traverse County Road Commission to accept the road as a public road. As such, the roadway will be private and the Road Commission will have no obligation to maintain the road in any manner. This provision does not prevent the future upgrading to County Road Standards nor requesting the road to be taken over by the County Road Commission. **(REVISED BY AMENDMENT 107A)**

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

Section 7.10.3 Drainage Plan:

A Drainage Plan meeting the approval of the Grand Traverse County Soil Erosion and

Sedimentation Control Officer shall be prepared by a registered professional engineer, which plan will control erosion and retain storm water on site or direct it to a proper drainage course. The drainage plan, as it affects the roadways, shall indicate the manner in which surface drainage is to be disposed of. To accomplish this will usually require making use of existing ditches, natural water courses, or constructing tributaries thereto. An easement of twenty (20) feet or more in width shall be provided when the drain crosses private property within the project or adjacent to it. The drainage plan shall conform to the requirements of all agencies having jurisdiction. The owner or owners of the land served by the road shall provide in a road maintenance agreement for the requirement to grade, drain, and otherwise maintain the private road in accordance with the requirements of the ordinance.

Section 7.10.4 Right-of-Way, Temporary Grading Easements and Utility Easements:

The following right-of-way, temporary grading easements and utility easements are required for all private roads:

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

Temporary Grading Easement.
A Temporary Grading Easement of at least 16.5 feet shall be provided on each side of the Right-of-way or Easement Access until such time as the road is completed. Greater Temporary Grading Easements may be required on steep slopes so that the road, including shoulders and ditches, can be constructed within the Right-of-way or Easement Access according to the plan provided for by Section 7.10.9.

Utility Easement.....Minimum Width of 10 feet.
A Utility Easement for public and private utilities shall be provided on each side of the Right-of Way and may be within a Grading Easement or located outside the Grading Easement. **(REVISED BY AMENDMENT 107B)**

Section 7.10.5 Hold Harmless Agreement:

Waiver or indemnification and "hold harmless" agreement to benefit the municipality, as approved by the Township Attorney.

Section 7.10.6 Road Layout:

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

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

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

(4) The layout of roads shall provide as much as possible for a continuous circuit for travel. In special cases where the lands to be divided are limited in area or are subject to a natural barrier, the Township Board or Zoning Administrator may approve a dedication which provides access to another road at one end only if a cul-de-sac of forty (40) foot minimum roadbed radius with sixty (60) foot radius right- of-way is provided at the terminus of the road to permit turning in a continuous circuit. No more than five driveways will be permitted to enter the cul-de-sac beyond the point of curvature at the beginning of the cul-de-sac. A cul-de-sac shall not be allowed where it is reasonable to connect to adjacent properties. Refer to (Figure 2), sketch of typical cul-de-sac and typical intersection.

Section 7.10.7 Road Names:

All frontage roads serving more than two residential properties and if required by the County Equalization Department shall have a road name approved by the Township Board. The proprietor shall furnish and erect road name signs at all intersections within the project and entrances thereto to assist in the location of the property by emergency vehicles. The design and color of the road name signs shall be as approved by the Grand Traverse County Road Commission.

Section 7.10.8 Signs:

Traffic control signs shall be placed in accordance to the Michigan Manual of Uniform Traffic Control Devices. Signs marked "Private Road" shall be erected and maintained by the Proprietor at the entrance to all private roads in subdivisions and condominiums.

Section 7.10.9 Required improvements and specifications:

(1) PLAN AND PROFILE

(a) Plan and profile drawings shall be prepared by the Proprietor's Registered Professional Engineer in detail complete enough to be used as construction plans.

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

1. Detailed survey drawings showing the easement, proposed road location and all parcels benefitted by the frontage road. The plan

shall incorporate all construction standards of the Township.

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

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

(c) Vertical curves shall be used at all grade changes. Sight distance, horizontal and vertical alignment shall be based on a minimum design speed of twenty-five (25) MPH. Sight distance and alignment shall be in accordance with current A.A.S.H.O. standards for Geometric Design. Horizontal curve radii, vertical curve lengths, and percentage of grade shall all be shown on the plan and profile drawings.

(d) For design of roadbed, shoulders, ditch profiles and slope requirements refer to (Figure 1), a sketch of typical road cross-sections.

(e) Two copies of the plan and profile drawings shall be forwarded to the Zoning Administrator for approval. More detailed construction plans may be required by the Zoning Administrator. One copy will be returned to the Proprietor's engineer with approval or necessary revisions marked thereon. Approval must be obtained before construction begins.

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

(3) GRADES AND PAVING:
Permissible percent grades on any Frontage Road shall be within the following ranges:

Maximum
..... 9%
..... 12% When the conditions below are met.
..... 1% Cul-de-sac
Minimum 0.4%

Frontage roads with grades of up to 9 percent shall have a roadbed width of not less than 18 feet and may be paved or have a gravel surface and shall have 2 foot shoulders on each side. With grades greater than 9 percent, the roadbed width shall be surfaced with bituminous pavement to a width of not

less than 20 feet. Integral bituminous raised edge may be used in areas subject to severe erosion, possibly eliminating the need for roadside ditches. The minimum width between the beginnings of raised edges shall be the same as for a paved roadbed.

(4) DRAINAGE STRUCTURES AND EROSION CONTROL: Drainage structures shall be installed as indicated in the Drainage Plan. The minimum diameter of culverts shall be 12 inches unless a smaller diameter is approved by the Drain Commissioner and/or County Road Commission. The bottom ends of culverts shall extend to the bottom of the slope. Either concrete culvert pipe, corrugated metal pipe or corrugated polyethylene pipe meeting Michigan Department of Transportation specifications of the required size and strength may be used. Standard flared end sections shall be used on all road cross-culverts. Guard posts shall be placed beside the ends of cross culverts to mark their location.
Bridges shall be designed for HS-20 or more loading on all roads. Culverts at driveway entrances may be necessary. Sodding, riprapping, sediment basins, topsoil, seeding, mulching, or other methods of erosion control shall be used in accordance with the recommendations of the Soil Erosion and Sedimentation Control Officer and the Drain Commissioner. **(REVISED BY AMENDMENT 107C)**

(5) SURFACING A minimum total depth of six inches of compacted dense aggregate shall be placed on frontage roads.

(a) The aggregate base course shall be placed on the prepared sub-grade for the entire width of the roadway in accordance with the Standard Plans for Frontage Roads (Figure 1). All material specifications shall meet the current MDOT specifications.

(b) Where bituminous aggregate pavement is required, bituminous aggregate pavement course Michigan Department of Transportation Specification 4.11 20AA Aggregate (or an alternate mix approved by the Zoning Administrator) applied in two or more courses, shall be placed at the minimum rate of 275#/SYD, the leveling course shall be placed at a rate of 165#/SYD with the remainder placed on the surface course. A time period of no more than one year shall elapse between the placement of any two courses of bituminous pavement. A bituminous prime coat applied at the rate of 0.25 gal/SYD on the prepared aggregate base course and a bituminous bond coat applied at a rate of 0.10 gal/SYD between pavement courses will be required.

(c) Shoulders shall be stabilized with 2 ½" or more of well compacted topsoil over 6" of compacted gravel. Shoulders shall be sodded or seeded and mulched to insure an adequate covering of grass.

(6) INTERSECTIONS:

(a) ANGLE OF INTERSECTION: Roads shall intersect at ninety (90) degrees or closely thereto and in no case at less than eighty (80) degrees.

(b) SIGHT TRIANGLES: Minimum clear sight distance at all minor road intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection.

(c) NUMBER OF ROADS: No more than two (2) roads shall cross at any one
(1) intersection.

(d) "T" INTERSECTIONS: "T" type intersections shall be used where practical.

(e) CENTERLINE OFFSETS: Slight jogs at intersections shall be avoided if possible. Where such jogs are unavoidable, the road centerline shall be offset by a distance of one hundred fifty (150) feet or more.

(f) VERTICAL ALIGNMENT OF INTERSECTION: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back fifty (50) feet from the center of the intersection.

(7) UTILITIES: Adequate utility easements shall be provided within or adjacent to the right-of-way and dedicated to the public for sewer, water, gas, electric, telephone and cable use. All sewer, water, electrical, telephone, cable, and gas utilities which are placed underground in the frontage road right-of-way shall be placed prior to final soil erosion measure work where at all possible.

Section 7.10.10 Frontage Road Approval Process:

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

(2) The Zoning Administrator shall review the plans and the proposed benefitting properties for conformance with the Township Master Plan, the Zoning

Ordinance, the Subdivision Control Ordinance, the Condominium Subdivision Ordinance, and any other requirements of the Township.

(3) The Zoning Administrator shall issue a preliminary road frontage permit prior to the commencement of any construction work on the road. Such permit shall only be issued after the initial plans, specifications, easement language, joint maintenance agreement, and hold harmless agreement have all been approved, and appropriate reviews and permits have been received from the agencies to whom copies were submitted in accordance with Section (1) above. The final frontage road permit shall be issued by the Zoning Administrator after the private road has been constructed and certification has been made by a licensed professional engineer that the facility was (a) built according to the plans and specifications and/or (b) that any deviation from the approved plans and specifications does not impair the functional intent of the approved design.

(4) In order to ensure that the requirements of this section are complied with, the Zoning Administrator is hereby authorized to require that construction regulated by this section be inspected by a licensed engineer with appropriate certification provided to the Zoning Administrator. The cost of such an inspection shall be paid by the applicant prior to the issuance of the final road permit.

Section 7.10.11 Existing Non-Conforming Frontage Roads:

A lawful non-conforming road may continue to be used to access existing lots and parcels, including new construction or improvements to existing structures which otherwise meet the requirements of the Zoning Ordinance. Non-conforming frontage roads shall not be used to access new lots and parcels created after the effective date of this ordinance (July 24, 2017) unless the road is brought into compliance with current Zoning Ordinance requirements. (**REVISED BY AMENDMENT 192)**

Section 7.10.12 Guarantee of Completion of Required Improvements:

The Township Board may require all improvements and facilities to be completed before it approves the final plan, condominium plan or project plan. In lieu of the actual installation of required public improvements, or soil erosion measures not covered by Act 347 of P.A. 1972, the Township Board may permit 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 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 road trees. In case these improvements are specified, completion may be required prior to the issuance of occupancy permits by the Zoning Ordinance.

(1) Performance or Surety Bond:

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

(b) Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, 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 public improvement.

(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) 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 public improvement including contingencies, as estimated 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: In the case of cash deposits or certified checks, an agreement between the Township and the subdivider 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 of the public

improvement, in accordance with a previously entered into agreement.

(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:

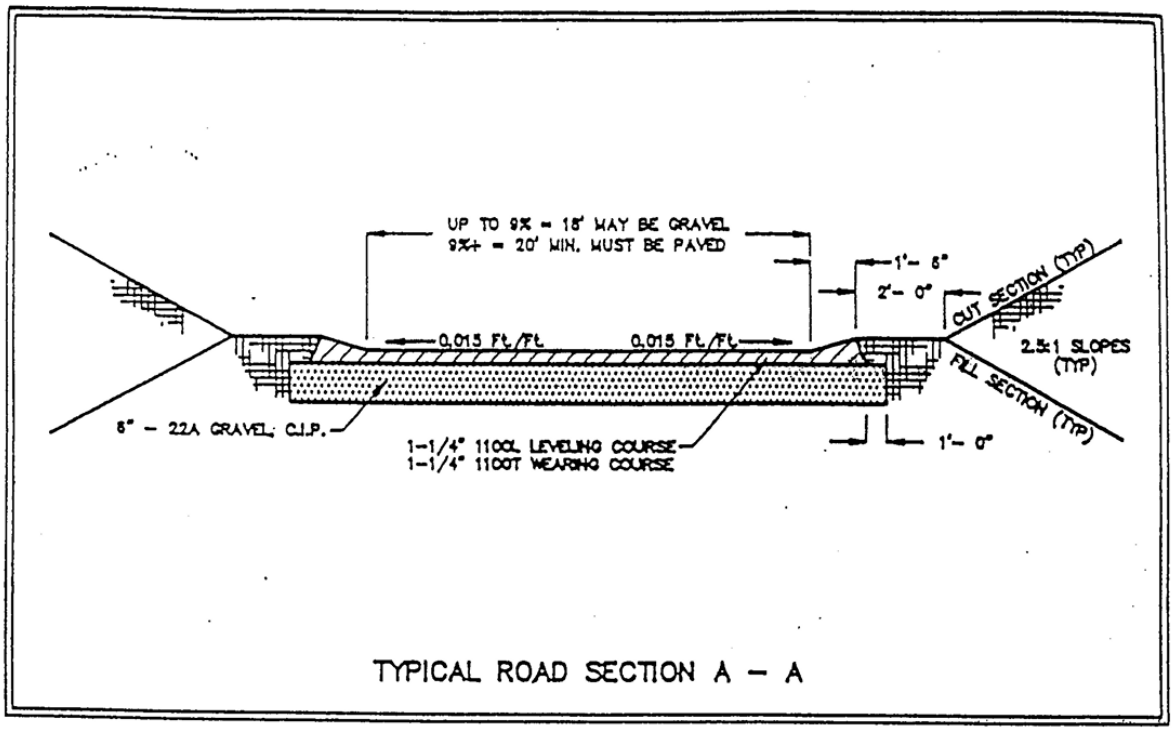
(a) The construction of improvements required by this Ordinance shall have been completed by the applicant and approved by the Township Board.

(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.

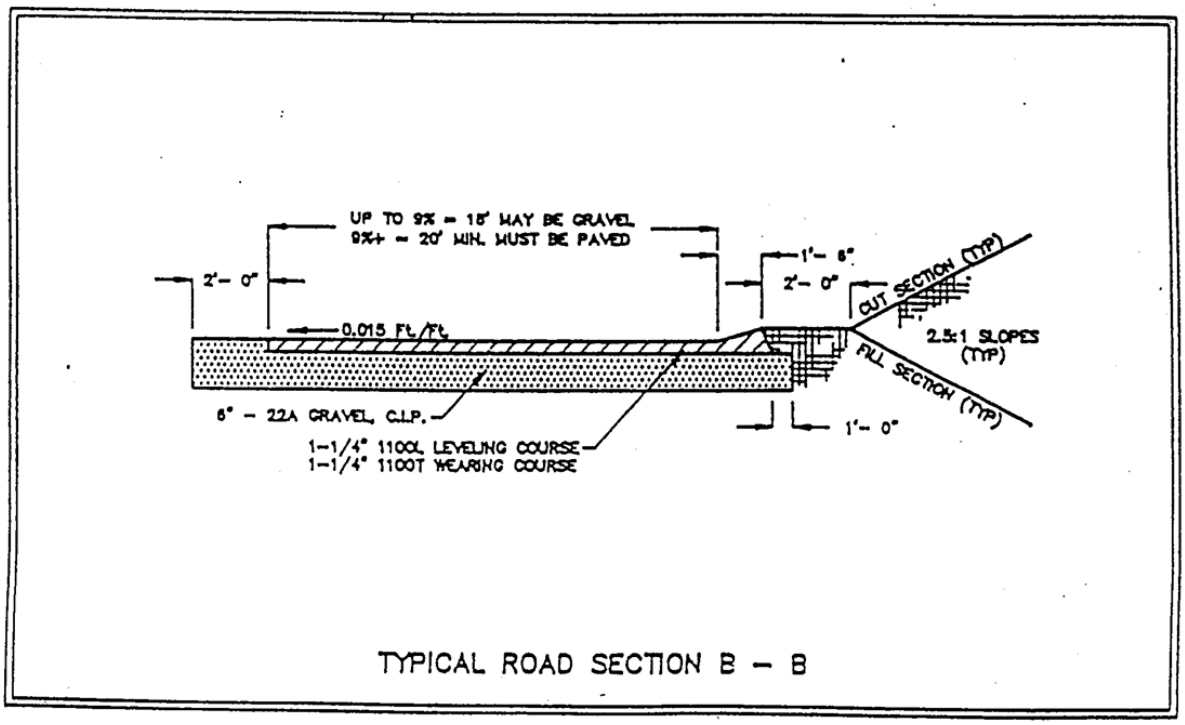
(4) INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION: Before approving a final project, an agreement between the applicant and the Township Board shall be made to provide for checking or inspecting the construction of public improvements and conformity to plans.

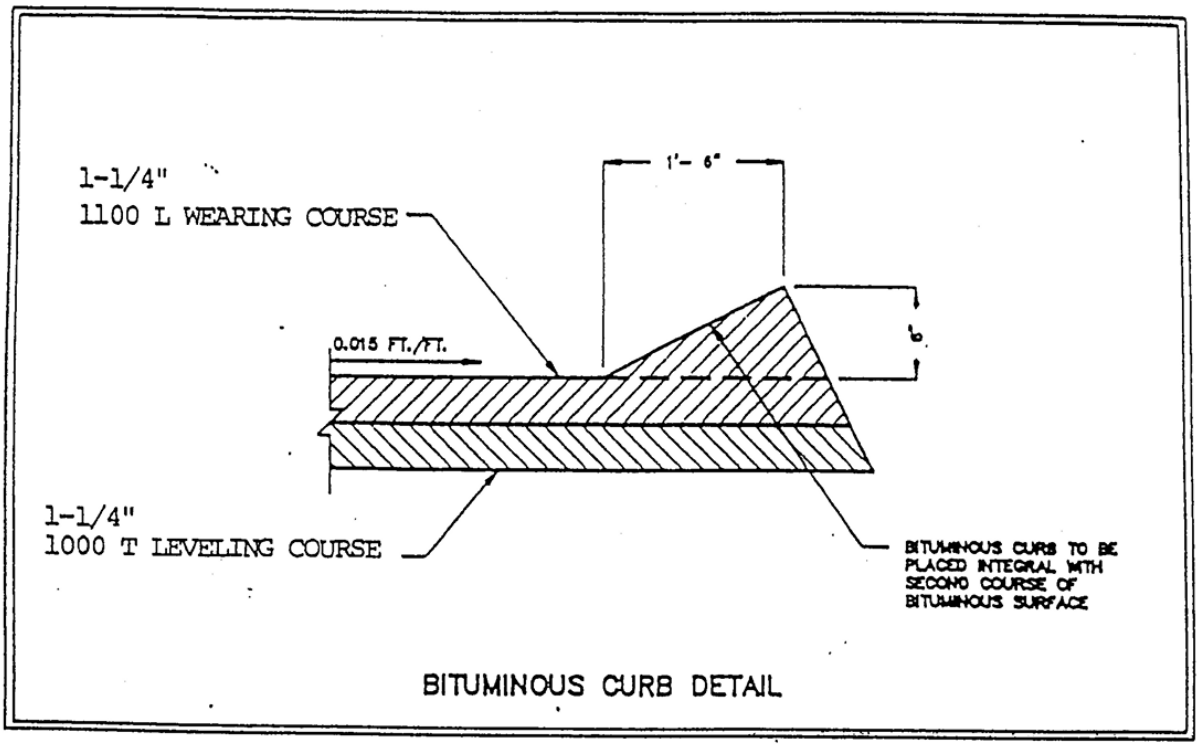
(5) PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT: In the event the applicant shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility 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.

Figure 1a-d



TYPICAL ROAD CROSS SECTIONS
NO SCALE





BITUMINOUS CURB DETAIL

TYPICAL ROAD CROSS SECTIONS
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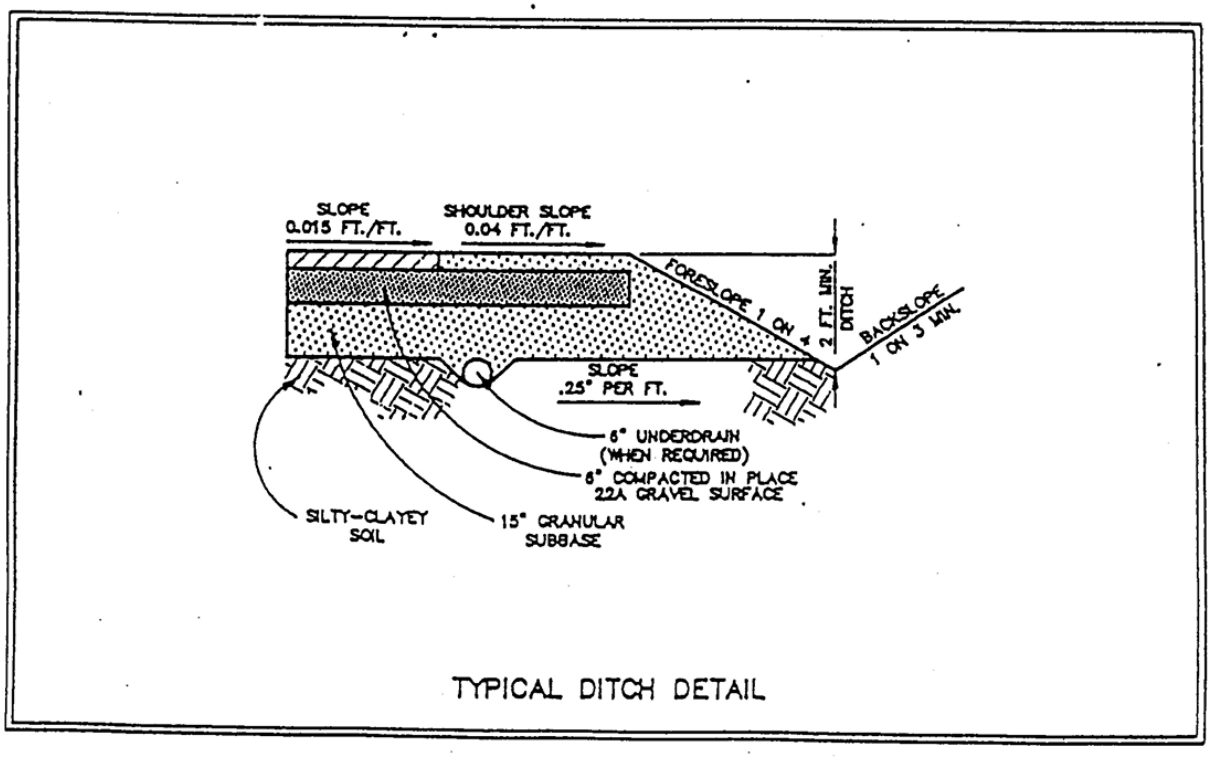
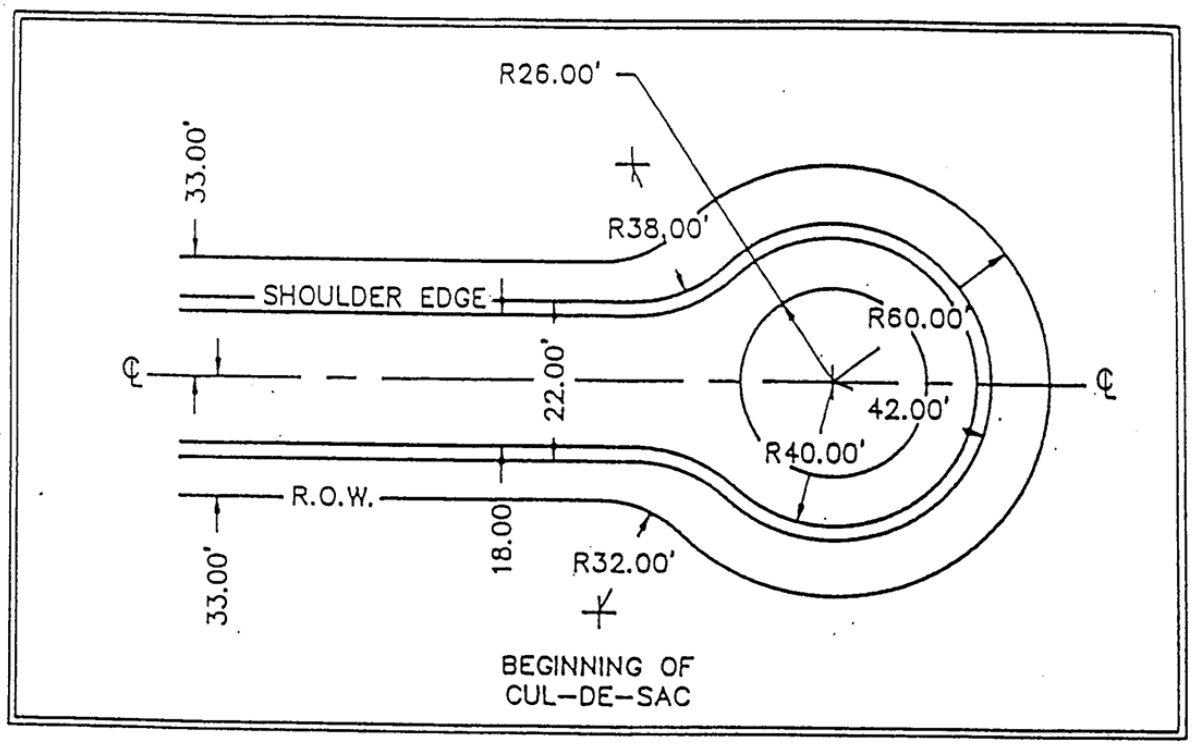


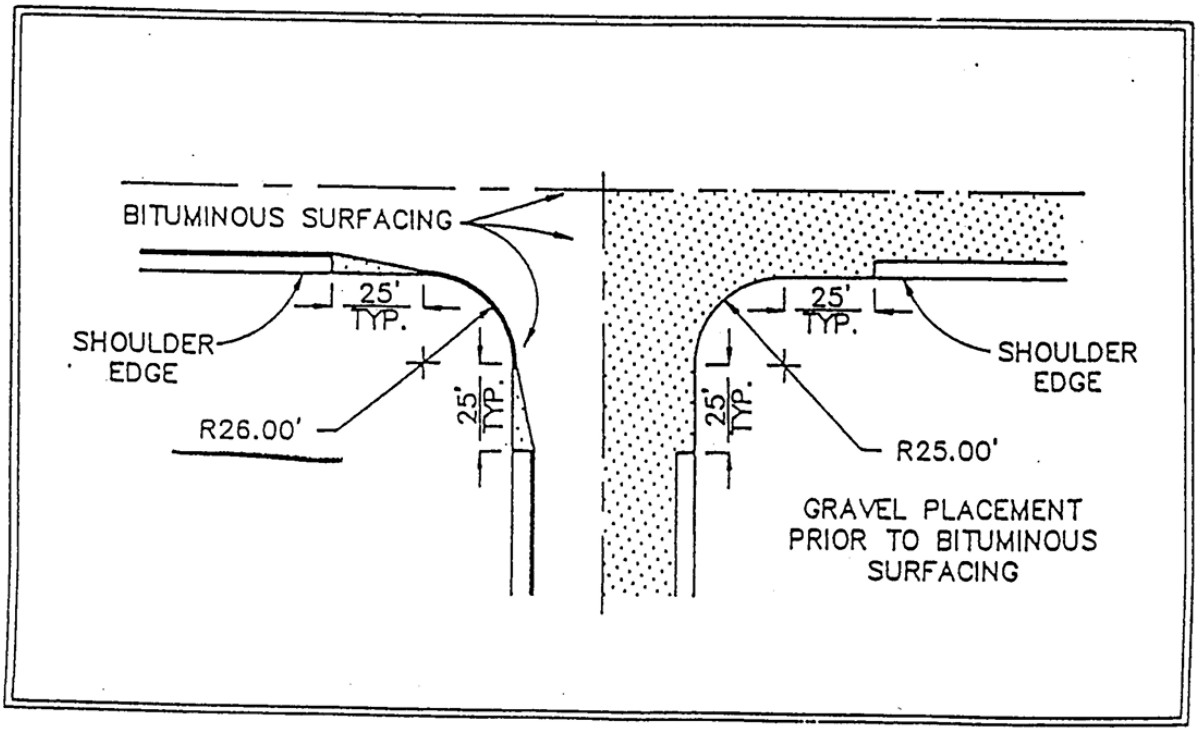
TYPICAL DITCH DETAIL

Figure 2a-b

TYPICAL CUL–DE–SAC



TYPICAL INTERSECTION



SECTION 7.11 SIGNS: (SECTION 7.11 ADDED BY AMENDMENT 100D)

It is the intent of this ordinance to limit the number and size of signs in order to prevent traffic hazards, promote safety for passersby, and to maintain in so far as possible the rural ambiance and the environment of the Township. It is also the intent to allow signs which are appropriate, proportional, and in scale with adjacent uses and roadways, and which are compatible with the character of the community.

To allow Peninsula Township to regulate the height, size, display area, setback, lighting, and distances between billboards, and other regulatory powers pursuant to Act 153 of 1990, in order to control outdoor advertising along federal aid trunkline highways.

To allow billboards for the purposes of outdoor advertising, that provides information, identification, and/or direction, without jeopardizing the beauty of the natural landscape or disrupting the environment of historically significant features or sites.

To regulate outdoor advertising in such a way as to create land use patterns that are in concert with future land use objectives and to prevent signs that would detract from scenic roadways and scenic views.

To ensure compatibility with rural lands, neighborhoods, and business areas, in order to protect land values, thereby enhancing the image of the community for residents, tourists, and visitors.

Section 7.11.1 Sign Placement and/or Design Requirements:

All signs shall conform with Table 7.11.6 and all other provisions of this ordinance.

(1) All signs shall be located on the same premises as the associated use, unless otherwise provided for in this Ordinance.

(2) No sign shall be constructed, erected, moved, enlarged, illuminated, or substantially altered unless authorized in accordance with this ordinance. Repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.

(3) Flags or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device shall not be considered signs.

(4) Signs may be free standing, attached to a building, or installed inside a window, provided, if the sign is attached to a building:

(a) The sign does not project more than twelve (12) inches from the building wall;

(b) The exposed face of the sign is in a plane parallel to the building wall or

structure.

(c) The sign does not extend above the height of the building or wall.

(5) A two-sided sign shall be considered as one sign when:

(a) With respect to a V-type sign, the angle between the sign faces does not exceed fifteen (15) degrees, or;

(b) With respect to double faced (back-to-back) signs, the distance between the backs of each face does not exceed three (3) feet.

(6) The support system for billboards is a structure which must meet all setbacks and requires a lot that meets the area and size requirements for the district in which located.

(7) Materials, supports, frames, letters and sign surfaces may be any commonly used material, however, the use of natural or natural appearing materials is highly encouraged.

(8) The sign including supporting structures shall not be more than one and one/half times the width of the sign face alone.

(9) The area of a sign shall be the minimum area of a parallelogram, ellipse, or circle which is capable of containing the graphics, symbols, and/or written copy along with the background area.

(10) The height of signs shall be measured from the highest point of the sign or supporting structure to the elevation of the highest point of grading beneath the sign exclusive of architectural landscaping related to the sign.

(11) Setbacks shall be measured from the lot line of the road from which the sign will be viewed to the leading edge of the sign or support structure whichever is less.

(12) If illumination is allowed by this Ordinance, such illumination shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

(13) All plans for construction, design and appearance of signs permitted in Commercial Districts shall be reviewed as part of the site plan approval process.

(14) All plans for the construction, design and appearance of Entrance Way Signs and Subdivision Development Signs not subject to a Special Use Permit shall be submitted to the Zoning Board of Appeals for review and approval.

(15) In addition to any other consideration, the Planning Commission and/or the Zoning Board of Appeals shall consider the following in reviewing and approving signs:

(a) Compatibility of the sign with the character of the neighborhood.
(b) The sign does not unreasonably block views from other properties.
(c) Materials and colors used are natural looking and consistent with surrounding structures in the vicinity, and with the intent of the Ordinance.

(16) Signs shall not be placed within road rights-of-way.

(17) Signs shall not be attached to trees.

(18) Signs shall not be attached to utility structures or poles except by the utility company.

(19) Signs shall not be placed so as to interfere with driver or pedestrian vision at intersections of public roads, private roads, or driveways. In order to not obstruct the view of on-coming traffic from the ingress or egress point of the property, signs, if higher than three (3) feet, shall not be placed within a clear site zone which is a triangle with sides fifteen feet from the beginning of the radius of the entrance way measured along the road providing access to the property and along the access drive fifteen feet from the end of the radius of the entrance way.

(20) There shall be a minimum horizontal spacing of 2,000 feet between any two billboards including both sides of a highway.

Section 7.11.2 Prohibited Signs:

The following signs shall NOT be allowed in any district:

(1) Signs which do not relate to existing businesses or products.

(2) Signs which are illegal under applicable State or local laws, regulations and/or ordinance.

(3) Signs that are not clean and in good repair or that have become unsafe or not secure.

(4) Signs not securely fastened to a substantial structure.

(5) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic, or which interfere with or resemble any official traffic sign, signal or device.

(6) Signs which are not consistent with the standards in this Ordinance.

(7) Flashing signs, portable signs, roof signs, advertising flags, revolving, moving or animated signs, signs with automated changes in sign appearance and all types of banners, pennants, streamers, and airborne devices attached to the ground or buildings except where otherwise specifically permitted by this Ordinance. **(REVISED BY AMENDMENT 175B)**

(8) Signs utilizing vehicles, trucks, vans, or other wheeled devices, or tripods, sandwich boards, or (unless specifically allowed elsewhere in this Ordinance) changeable message boards.

(9) Commercial signs extending perpendicularly from a building wall.

(10) Directional Signs except those specifically allowed by this Ordinance.

(11) Signs within a road right-of-way except traffic direction and control signs placed by the County Road Commission or Michigan Department of Transportation.

(12) Prohibited Billboards: The following types of billboards shall not be permitted:

(a) A billboard within 500 feet of any residential district, historic district, park, school, church, hospital, retirement home, cemetery, or government building. A billboard located within 500 feet of a residential, commercial, industrial, or agricultural use on the same property.

(b) A billboard that is stacked, tiered, stepped, or placed next to or alongside of any other billboard or sign.

(c) A billboard which would, by its erection, destroy significant natural vegetation and/or cause significant existing vegetation to be removed.

(d) A billboard mounted on or over the roof of a building.

(e) Billboards which may otherwise be prohibited by any other laws, ordinances or regulations.

Section 7.11.3 Signs Permitted in all Districts:

The following signs shall be allowed in all zoning districts:

(1) Agricultural Products Signs on the same premises with a general farm or horticultural use while the retail outlet is in operation. Signs may be two sided and may have changeable strips identifying specific products or products in season.

(2) Church/Non-profit Social Organization/Governmental Sign.

(3) Construction Site Sign may be displayed while construction is taking place.

(4) Entrance Way Sign.

(5) Event Sign and Directional Event Signs are permitted under the following conditions:

(a) The event has been approved by the Peninsula Township Board.

(b) The specific size, number, location, and duration of placement of the signs has been approved by the Peninsula Township Board.

(6) Informational Signs.

(7) Memorial/Historical Markers

(8) Name Plate Sign.

(9) Official signs of a non-commercial nature erected by a public utility.

(10) Private Property/No Hunting/No Trespassing Sign.

(11) Public notice signs placed by public agencies.

(12) Real Estate Sign while the property is available for rent/lease or sale.

(13) Roadside Stand Sign.

(14) Signs required by law or placed by any governmental agency for traffic control.

(15) Subdivision Development Sign.

(16) Yard/Garage Sale Signs.
The on-site sign may not be displayed for more than three (3) consecutive days and not more than ten (10) days in any 365-day period.

(17) Signs approved in association with a Special Use Permit: In approving a Special Use Permit, the Township Board may approve any or all signs allowed in this Ordinance provided that the approved signs:

(a) Are related to an approved use in the Special Use Permit;

(b) The design, size, setback and lighting are shown on a scale drawing;

(c) The number and location of all signs is reasonably necessary to meet the intent of this ordinance. **(REVISED BY AMENDMENT 107G)**

Section 7.11.4 Signs Permitted in Commercial Districts:

In the Commercial Districts the following signs shall be permitted:

(1) Signs allowed by Section 7.11.3.

(2) Billboards - PROVIDED that they shall be allowed only along M-37 and shall be restricted to properties zoned Commercial C-1.

(3) Business Center Sign.

(4) Business Identification Sign.

(5) Promotional sign provided it pertains to the business or product on the property and also provided that it is changed at least bi-weekly.

Section 7.11.5 Signs Permitted in the A-1 Agricultural District:

The following signs shall be permitted in the A-l District:

(1) Signs allowed by Section 7.11.3.

(2) Signs representing state or national awards won by the farm unit and/or its proprietors and is removed within a year of placement.

(3) Farm Processing Facility. **(ADDED BY AMENDMENT 174)**

Section 7.11.6: Sign Placement and Requirements Table

(see Section 7.11.1 for sight triangle provisions) **(REVISED BY AMENDMENT 174)**

(1) Areas are in square feet.

(2) Setbacks are measured from road rights-of-way that are lot lines, however no signs shall be placed in required side yards that are not road rights-of-way.

(3) THE FOLLOWING SIGNS DO NOT NEED A SIGN PERMIT:

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Sign Type	No.	Area	Hgt.	Stbk.	Lt.
Agricultural Products	2	6	4	0	No

Construction Site	1	6	4	0	No
Farm Processing Facility	1	9	6	0	No
Name Plate	1	3	4**	0	Yes
**Unless attached to a building					
Promotional Sign	1	3	N/A	N/A	No
Real Estate	1	6	4	0	No
Roadside Stand	1	9	6	0	No
Yard/Garage Sale	1	6	4	0	No
Private Property	*	1	6	0	No

* Not more than one per 100 feet of frontage or portion thereof. **(REVISED BY AMENDMENT 174)**

TABLE 7.11.6: SIGN PLACEMENT AND REQUIREMENTS TABLE CONTINUED

(d) The following signs require a sign permit issued by the Zoning Administrator unless approved by the Township Board either as part of a Special Use Permit or as an Event Permit.

Sign Type	No.	Area	Hgt.	Stbk.	Lt.
Billboard	1	30	10	15	No
Business Center					
With or without Business Identification Signs	1	30	10	***	Yes
Business Identification					
Within a Business Center	1	30	**	**	Yes
**Wall or Marquee/Awning Only					
Not in a Business Center	1	9	10	15	Yes
Church/Non-Profit/Governmental	1	9	6	15	Yes
Entrance Way	1	9	6	15	Yes
Event Sign	1	6	4	0	No
Directional Event Sign	(As approved by the Township Board)				
Ingress/Egress	***	2	3	0	***
Informational	***	2	***	***	***

*** as per approved site plan

(d) Such permit shall be preceded by the submission of an application on a form prescribed by the Board of Appeals accompanied with a filing fee. The Board of Appeals shall thereafter hold a hearing on the application, said hearing to be at such time and place and preceded by such notice as the Board of Appeals may determine. If the Board of Appeals shall determine that the granting of the application will not be inimical to the public health, safety, morals or welfare, then it may issue a permit for the erection of the sign as described in the application. In assuring the maintenance and preservation of public health, safety, morals and welfare, The Zoning Board of Appeals may establish reasonable set back, structural and maintenance provisions which shall be made a part of the sign permit. Sign permits may be revoked at any time conditions specified under Section 7.11 apply or conditions specified in permit are not met. **(REVISED BY AMENDMENT 190)**

Section 7.12 Personal Wireless Communications **(SECTION 7.12 ADDED BY AMENDMENT 118B)**

The Telecommunications Act of 1966 as amended February 8, 1996 sets forth provisions concerning placement, location and construction of towers and related facilities for personal wireless 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. Personal wireless service is 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 low

monopoles.

It is not the intent to regulate ham radio antennae under this section.

Section 7.12.1 Personal Wireless Communications Towers and Related Facilities

Construction of Wireless Telecommunication Antenna Towers and Equipment Shelter Buildings are allowed in Peninsula Township subject to the following provisions:

(1) Wireless Telecommunication Antenna Towers and Equipment Shelter Buildings shall not be placed in any road right-of-way or in any easement for road purposes.

(2) Such towers and facilities may be located in the Agricultural A-1 Zone or the Commercial C-1 Zone.

(3) Such 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.

(4) All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than 50% of the tower's height from any property line. **(REVISED BY AMENDMENT NO. 129)**

(5) No tower shall be placed in a scenic view area as shown on the Scenic View Map adopted or subsequently amended as part of the Peninsula Township Comprehensive Plan.

(6) All tower proposals of more than thirty-five (35) feet shall be submitted to the Cherry Capital Airport Commission and FAA for review and approval prior to approval by Peninsula Township.

(7) Prior to approval by the Township any franchise required by the Township Board shall be in place.

(8) Wireless Telecommunication Antenna Towers of 40 feet or less, including antenna. All such tower location proposals shall require approval by the Planning Commission.

    (a) The Planning Commission shall notify all property owners within 300 feet of the property considered for placement of a tower. The notice shall be sent by first class mail not less than 7 days prior to the public hearing and shall include the proposal, the time, date and location wherein the plans can be reviewed and the date that the Planning Commission will hold a public hearing on the proposal.

(b) The Planning Commission shall determine the following conditions have been met in order to approve an application. (**REVISED BY AMENDMENT NO. 129)**

1. The tower is not located in a prime scenic view as shown on the Scenic View Map adopted or subsequently amended as part of the Peninsula Township Comprehensive Plan, or; The tower is located in a prime scenic view but its location is adjacent to existing structures, is backed by trees or other vegetation, or is otherwise located so that in the sole discretion of the Planning Commission it does not impair the scenic view.

2. Antennae and/or repeaters may be mounted on existing towers or, if approved by the Planning Commission, on other existing structures.

3. Any application for use of a new or existing tower shall be accompanied by a Registered Engineer's certification of the design and safety of the tower to withstand winds of 100 miles per hour.

4. The tower and/or antenna may be required to be painted or screened if located on a building or structure.

5. The service building is aesthetically and architecturally compatible with its environment.

    a. The service building shall be constructed of compatible materials such as wood, brick, or stucco, and shall be designed to architecturally match the exterior of residential structures within three hundred feet of the property on which it is located.

    b. In no case will metal exteriors be allowed for service buildings.

    c. All connecting wires from towers to accessory buildings shall be underground.

    d. All electrical and other service wires to the facility shall be underground.

    e. The service building shall be no larger than necessary to house the equipment and meet all setback requirements of this Ordinance.

(9) Wireless Telecommunication Antenna Towers of 40 feet or more, including antenna are regulated through Section 8.7.3.

Section 7.12.2 Township Property Exempt:**(DELETED BY AMENDMENT 184)**

SECTION 7.13 FENCES:

(1) Intent: The intent of this section is to allow fences with a height of four (4) feet or less within required yards (setbacks) with restrictions so that fences: a) are not erected which would block views; b) do not obstruct access by emergency personnel; c) are not within the road right-of-way; are not below the flood elevation line; and d) are not closer than three (3) feet of adjacent property without the agreement of the neighboring owner.

(2) Excluded Fences: The following fences shall not be regulated by this section:

(a) Agricultural fences that are used for general farming and horticultural uses, field crop and fruit farming, raising and keeping of small animals, and raising and keeping of livestock.

(b) Temporary fences such as snow fences are placed during the winter to control drifting snow or safety fences during construction.

(c) A Decorative Fence no greater than eighteen (18) inches in height and/or four (4) inches in width and is not a barrier.

(3) Location: Unless otherwise provided in this Ordinance; No fence shall be constructed within a required yard setback unless that fence is four (4) feet in height or less measured from final grade and with a width no greater than two (2) feet at any point.

(4) Obstructions: No fence shall obstruct access by emergency personnel. A gate at least three (3) feet in width shall be provided for access by emergency personnel to all parts of the property and as such shall not be considered an obstruction.

(5) Required Setbacks:

(a) No fence shall be constructed closer to the shoreline of Grand Traverse Bay than the flood elevation line.

(b) No fence shall be placed within a road right-of-way.

(c) No fence shall be placed closer than twenty (20) feet from the driving lane of a road, street or alley.

(d) No fence shall be placed closer than three (3) feet to an adjacent property line without both owners providing approval in writing to the Zoning Administrator and such approval shall include a statement that the fence shall be maintained in good condition and such maintenance shall be the responsibility of each property owner.

(6) Construction: Fences shall be designed so as not to impede the natural or established water drainage along lot lines.

SECTION 7.14 EXTERIOR LIGHTING REGULATIONS: (ADDED BY AMENDMENT 175A)

(1) All new outdoor light fixtures and specified lighting practices shall conform with this section.

(2) Outdoor lighting fixtures existing as of the effective date of this amendment may continue to be used except as otherwise provided.

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

Section 7.14.1 Intent:

The Peninsula Township Board finds that this Section of the Ordinance complies with the Master Plan and that the dark night sky is considered a valuable natural and aesthetic resource which should be protected. The dark night sky contributes significantly to our quality of life by contributing to public peace and to the health, safety, and welfare of the residents of and visitors to Peninsula Township. The essential public purposes that warrant Township regulation of the use of outdoor light fixtures include, but are not necessarily limited to:

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

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

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

(4) Conservation of electrical energy-generating resources.

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

Section 7.14.2 Lighting-Related Definitions:

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

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

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

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

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

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

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

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

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

(10) Security Lighting: Such outdoor light fixtures and/or practices are intended to discourage intrusion on the premises by unwanted persons.

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

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

Section 7.14.3 Exterior Lighting Standards:

(1) All new outdoor light fixtures shall:

(1) Have full shielding.

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

(3) Control light fixtures with manual switches, motion detection devices or other automatic timing devices.

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

(3) Security lighting may be approved as part of a site plan, and if approved shall be fully shielded.

(4) Prohibited lighting types and/or practices:

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

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

(3) Foliage/tree “up lighting”.

(5) Illuminated Signs

(1) Illuminated signs must be turned off no more than one (1) hour after the close of business and may be turned on no earlier than one (1) hour before the opening of business except by special permission granted as a condition of site plan approval.

(2) External illumination of signs, billboards, advertising kiosks, and information boards shall be mounted at the top of the sign or sign structure and be fully shielded;

(3) Internally illuminated signs, billboards, advertising kiosks, and information boards shall have a dark background with lighter-colored translucent (not transparent) lettering, logos, and/or designs.

(6) Parking Lots for commercial uses, planned unit developments, condominium subdivisions, subdivisions, public and institutional buildings, schools; churches, parks, processing facilities, retail sales uses and other vehicular

use areas;

(1) Parking lots shall be illuminated no earlier than one (1) hour before regular hours of operation, and no more than one (1) hour after regular hours of operation except by special permission granted as a condition of site plan approval.

(2) Pole height shall not exceed 15 feet except a pole height of up to 25 feet may be allowed for loading areas where necessary for agricultural purposes.

(3) A greater number of low mounted lights are favored over elevated lights.

Section 7.14.4 Application/Review Procedures for Special Use Permits and Platted Subdivisions.

The application for all Special Use Permits and subdivisions after the effective date of this amendment shall include the following information:

(1) Description of all illuminating devices, fixtures, lamps, supports, and reflectors, shall include catalog cuts, manufacturer's illustration and the like.

(2) Photometric data shall be superimposed on the site plan. For smaller projects, the applicant may provide photometric data supplied by the manufacturer which is separate from the site plan.

(3) Such other information about the site or adjoining sites as may be essential for the Township Board to determine if the requirements of this section are being met.

Section 7.14.5 Exemptions:

The following uses and activities shall be exempt from the Exterior Lighting Regulations:

(1) Emergency equipment while in use.

(2) Holiday decorations, provided that decorative exterior lighting shall not include searchlights or stroboscopic lights.

(3) Fixtures such as decorative or porch lights or walkway lighting.

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

(5) Lighting fixtures to illuminate the American flag may have light shining vertically provided the light source is shielded and the light is focused on the flag.

Section 7.14.6 Relief from Exterior Lighting Regulations:

Applications for relief from the regulations of this Section may be made to the Peninsula Township Zoning Board of Appeals pursuant to Section 5.7 provisions and standards for variances. Any ruling granting relief shall contain all conditions upon which said permit has been granted, including but not limited to the effective dates, times, locations and specifications of the lighting fixtures and plans permitted.

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.

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.

(b) The Planning Commission may hold a public hearing on the application.

(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 public services and facilities affected by a proposed land use or activity will be capable of

accommodating increased services and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting 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, the Town Board 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 Town 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 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 it is proposed.

(b) Not 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.

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

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

(e) 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.

(3) Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

(a) That the applicant may legally apply for site plan review.

(b) That all required information has been provided.

(c) That the proposed development conforms to all regulations of the zoning district in which it is located.

(d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.

(e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

(f) That natural resources will be preserved to a maximum feasible

extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.

(g) That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.

(h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.

(i) That the proposed development will not cause soil erosion or sedimentation problems.

(j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

(k) That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.

(l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.

(m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.

(n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.

(o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.

(p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

(q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

(r) That outdoor storage of garbage and refuse is contained, screened

from view and located so as not to be a nuisance to the subject property or neighboring properties.

(s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

SECTION 8.2 MOBILE HOME PARK DEVELOPMENTS:

Section 8.2.1 Statement of Intent:

Mobile home park developments have special characteristics which require full consideration of their locational needs, their site layout and design, their demand upon community services, and their relationship to and effect upon surrounding uses of land. Compliance shall be had with all of the procedures and applicable requirements stated in Section 8.1 and the additional requirements of this Section.

Section 8.2.2 Uses That May Be Permitted:

Any mobile home development 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. 419, Public Acts of 1976, as amended, and PROVIDED FURTHER that said development plan can meet the standards of this Section.

(1) Mobile Homes: "Mobile Homes" 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 a 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 recreational vehicle.

(2) One permanent building for conducting the operation and maintenance of the mobile home park development and such other accessory buildings including a caretaker's residence as may be necessary for the normal operation of the mobile home development.

(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 Section 7.6 of this Ordinance.

(d) Off-street group parking facilities shall be within three hundred (300) feet of all mobile home lots intended to be served.

Section 8.2.3 Site Development Requirements:

All mobile home park developments shall comply with the following site development and maintenance requirements, viz:

(1) State Law: The development shall comply with all requirements of Act 419, Public Acts of 1976, 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 Michigan Department of Commerce as required by Rule 802 of the General Rules of the Michigan Mobile Home Commission.

(4) Site Size: Any mobile home park development shall have a site of at least fifteen (15) acres.

(5) Site Location: Access to the mobile home park development site location shall be from a public thoroughfare only. Said Access shall be designed with a capacity to safely and effectively handle any increased traffic which may be generated by the mobile home park development.

(6) Park Yard Dimension: Mobile home developments shall also meet the zoning requirements of Sections 7.2.6 and 7.7 of this Ordinance.

(7) Site Access:

(a) Each mobile home park development shall be provided with a paved entrance or exit drive off a public thoroughfare.

(b) Said entrance or exit drives shall be located no closer than one hundred twenty-five (125) feet from the intersection of any two (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 twenty (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 twenty- three (23) feet from any private street or roadway, ten (10) feet from a side site line, or ten (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 twenty-four (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 sixteen (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, viz:

(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 twenty-five (25) feet in height; except that, one permanent building in the mobile home park development used for conducting the business operation may contain two (2) stories with a maximum height of thirty-five (35) feet.

(14) Lighting: All lighting shall conform to the requirements of Section 7.14.

(REVISED BY AMENDMENT 175B)

(15) Heating: All above-ground fuel tanks shall be suitably screened.

(16) Mobile Home Unit Sales:

(a) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited.

(b) New or used mobile homes located on lots within the mobile home park may be sold by a licensed dealer and/or broker.

(c) This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development 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, Department of Commerce.

SECTION 8.3 PLANNED UNIT DEVELOPMENTS: (REVISED BY AMENDMENT 151)

Section 8.3.1 Authorization:

It is the purpose of this Section to encourage more imaginative and livable housing environments within the Planned Unit Development Districts and Residential Districts and to encourage the retention of agricultural land in active production within the Agricultural Zoning District through a planned reduction of the individual lot area requirements for each district, providing the overall density requirements for each district remain the same. Such reduction of lot area requirements shall only be permitted when a landowner, or group of owners acting jointly, can plan and develop a project as an entity and thereby qualify for regulation of that project as one land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned unit development providing the standard, procedures, and requirements set forth in this Section can be complied with.

Section 8.3.2 Objectives:

The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

(1) To provide a more desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets.

(2) To provide open space options.

(3) To encourage developers to use a more creative and imaginative approach in the development of residential areas.

(4) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential project.

(5) To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.

(6) To provide for the retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.

Section 8.3.3 Qualifying Conditions:

Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development:

(1) The planned unit development project shall not be less than twenty (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. PROVIDED that the project acreage requirement may be reduced by the Township Board if the Board determines that the proposed use is a suitable and reasonable use of the land.

(2) The planned unit development project shall be located within a Residential or Agricultural District, or a combination of the above Districts. Individual planned unit developments may include land in more than one zone district in which event the total density of the project may equal but not exceed the combined total allowed density for each district calculated separately.

(3) Water and waste disposal shall comply with the Township Master Plan and be approved by Grand Traverse County or State of Michigan requirements. It is recognized that joining water and sewer ventures with contiguous or nearby landowners may prove to be expedient.

(4) The proposed density of the planned unit development shall be no greater than if the project were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of Section 8.1. except as provided by Section 8.3.5 (1). **(REVISED BY AMENDMENT 168)**

(5) Open space shall be provided according to Section 8.3.6.

(6) For purposes of this Section 8.3, Open Space does not include building envelopes, parking lots and roads (roadbed width plus two (2) foot shoulders on each side).

(7) The proposed planned unit development shall meet all standards and requirements outlined in this Section 8.3 and also Section 8.1. and Article VII.

Section 8.3.4 Uses that May be Permitted:

The following uses of land and structures may be permitted within planned unit developments:

(1) Single family dwellings.

(2) Two-family dwellings.

(3) Group housing, row houses, garden apartments, or other similar housing types which can be defined as single-family dwelling with no side yards between adjacent dwelling units, provided that there shall be no more than eight (8) dwelling units in any contiguous group.

(4) Open space according to Section 8.3.6 Provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:

(a) Private recreational facilities (but not golf courses) such as pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

(b) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.

(c) Commonly owned agricultural lands.

(5) Signs as allowed by Section 7.11.

(6) Deed restricted Agricultural lands.

(7) Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance

thereof.

Section 8.3.5 Lot Size Variation Procedure:

The lot area for Planned Unit Developments within Residential and Agricultural Districts may be reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

(1) Site Acreage Computation: The net acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

(a) Lands below the Ordinary High-Water Mark shall not be considered as part of the net acreage.

(b) Street rights-of-way shall be included in net acreage provided the property legal description includes the right-of-way. **(REVISED BY AMENDMENT 158)**

(2) Maximum Number of Lots and Dwelling Units: After the net acreage has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the net acreage a fixed percentage of said total for street right-of-way purposes, and dividing the remainder by the minimum lot area requirement of the zoning district in which the planned unit development is located.

(a) The fixed percentages for street right-of-way purposes to be subtracted from the net acreage shall be fifteen (15) percent for the R-1A and R-1B residential districts, twenty (20) percent for the R-1C district and thirty (30) percent for multiple family development in the R-1D district. These percentages shall apply regardless of the amount of land required for street right-of-way.

(b) Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the project were developed under the minimum lot area requirements of the applicable zone district or districts in which it is located. Units may be distributed without regard to district boundaries.

(3) Permissive Building Envelope: Building Envelope shall be as shown on the Site Plan and not included as open space.

(4) Permissive Minimum Lot Area: Minimum Lot Area shall be as determined by the Township Board and shown on the Site Plan.

(5) Maximum Permissive Building Height: Not exceeding 38 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts. **(REVISED BY AMENDMENT 204)**

Section 8.3.6 Open Space:

The Township Board shall utilize one of the following four options for dedication of the provided open space:

(1) Open Space Dedicated for Private Use: A residential planned unit development with a minimum of 65% of the net acreage kept as open space and owned by the Home Owners Association or Condominium Association. That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development.

(a) Such open space shall be conveyed by proper legal procedures from the project owner or owners to a home owners association or other similar non-profit organization. **(REVISED BY AMENDMENT 170)**

(b) Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval.

(c) The access and characteristics of the open space land are such that it will be readily available and desirable for the use intended.

(2) Open Space Dedicated for Public Use: A Residential Planned Unit Development with a minimum of 10% of the net acreage dedicated to the Township. That open space land shall be dedicated to the Township for park or recreational purposes by the project owner or owners provided that the Township Board makes the following determinations:

(a) The location and extent of said land is not in conflict with the Master Plan of Peninsula Township.

(b) The access to and the characteristics of the open space land is such that it will be readily available to and desirable for the use intended.

(3) Open Space Dedicated for Deed Restricted Agricultural Land: A Planned Unit Development with a minimum of 65% of the net acreage as deed restricted agricultural land. That open space shall be retained in agricultural use as specified on the site plan with the following conditions:

(a) The Land shall be used exclusively for farming purposes.

(b) A conservation easement shall be granted to Peninsula Township that restricts uses to those that are allowed on deed restricted agricultural land subject to conservation easements purchased by Peninsula Township pursuant to the Purchase of Development Rights Ordinance No. 23.

(c) A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board:

1. Barns existing or proposed for uses necessary for agricultural production.

2. Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production. If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units in the Planned unit development.

(d) The deed restricted agricultural land may be sold separately from the dwelling parcels.

(4) Open Space Apportioned Between Private Use and Deed Restricted Agricultural Land: The Township Board may approve open space apportioned between Private Use and Deed Restricted Agricultural Land described in (1) and (3) above provided, that in addition to the provisions of (1) and (3) above, the Deed Restricted Agricultural Land portion:

(a) Shall be a minimum of five acres.

(b) Shall be viable farmland as determined by the Township Board.

(c) Irrespective of (3) above; no buildings shall be allowed.

Section 8.3.7 Maximum Percentage of Lot Area Covered by All Structures:

(1) The maximum percent of lot area covered by all structures shall not

exceed fifteen (15) percent of net acreage.

(2) A Building Envelope within which structures may be located shall be shown on the site plan for all existing or future structures.

(3) The maximum number of square feet to be covered by all structures for each building envelope shall be shown on the site plan or attached to it.

Section 8.3.8 Affidavit:

The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the special use permit, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved special use permit unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns.

SECTION 8.4 RECREATIONAL UNIT PARKS (REVISED BY AMENDMENT 114H)

Section 8.4.1 Intent and Purpose:

To provide for the rental of spaces for Recreational Units in a Recreational Unit Park. Recreational Unit Parks are normally operated on a seasonal basis, however limited winter operations are also customary. The Recreational Unit Park shall be subject to the procedures and requirements in Section 8.1. 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.

Section 8.4.2 Site Development Requirements:

Site developments shall comply with the provisions of Act 171 of the Public Acts of 1970, as amended (An Act to license and regulate campgrounds), and also with the following, viz:

(1) A Recreational Unit Park shall have a minimum of three hundred thirty (330) feet of frontage on a county road or state highway.

(2) The Recreational Unit Park shall provide a two hundred (200) foot setback from all property lines for structures and Recreational Unit sites. Not less than three staggered rows of evergreen trees shall be planted and maintained within fifty (50) feet of the property lines, and, in addition, within the two hundred (200) foot setback, a mixture of deciduous and evergreen trees shall be planted to block views of the development from adjacent properties and to

reduce noise.

(3) The entrance road and interior roads shall meet either Peninsula Township Private Roads Standards or County Road standards and the Commercial Driveway Entrance requirements of the County Road Commission or State Department of Transportation.

(4) Recreational Unit Park entrances and exits shall not be through a subdivision or condominium.

(5) There shall be either: a) two separate road entrances connecting a continuous interior road; or b) one entrance and a loop road beginning within one hundred (100) feet of the public road serving the park.

(6) The minimum parcel size for a Recreational Unit Park shall be twenty (20) acres.

(7) The maximum number of sites shall be two hundred (200).

(8) 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 thirty (30) days in a six-month period.

(9) No motorized off-road vehicles, watercraft, or snowmobiles shall be rented or used on the property.

(10) Winter operations are permitted provided that all utilities, including central toilet and shower facilities, are provided during winter operations.

(11) No bottled gas sales are allowed on the premises.

(12) 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, at a minimum:

(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.

(13) All outdoor activities shall be limited to passive uses such as hiking, cross-country skiing, volleyball and horseshoes.

(14) 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.

Section 8.4.3 Site Development Standards:

The Recreational Unit Park shall meet the following site design standards:

(1) The Recreational Unit Park shall be fenced with a minimum six (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 does have to enclose areas that are used by sites or for recreational use, such as trails.

(2) All utilities shall be placed underground.

(3) 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.

(4) Electricity and drinking water shall be provided to each recreational unit site.

(5) The minimum space dimensions per unit are:

(a) Width - thirty (30) feet

(b) Depth - sixty (60) feet

(c) These dimensions shall be increased as necessary to accommodate larger vehicles so that there is no less than eight feet between a tent or trailer and the perimeter of the rental space. This eight-foot area (16 feet between recreational units) shall be planted with shrubs and a minimum of two trees per lot line.

(6) Parking spaces for recreational units other than tents shall either be paved or covered with a minimum of 4" of packed stone.

(7) Each site shall have a parking space for at least one vehicle other than

the recreational unit.

(8) Each recreational unit site shall be numbered, with numbers shown on the site so as to be readily available to emergency personnel.

(9) All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

(10) An Entrance Way Sign is allowed and shall comply with Section 7.11 - Signs.

(11) Parking for the headquarters building shall comply with Section 7.6 - Off Street Parking and Loading Regulations.

Section 8.4.4 Support Uses:

(1) 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) A central toilet/shower facility shall be provided for the use of the recreational unit park registered guests only. The 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 for the use of buildings and the parking area primarily related to their operations shall not occupy more than one-tenth of one (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.

Section 8.4.5 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.

Section 8.4.6 Development and Site Plan Requirements:

(1) Name, address and telephone number of applicant.

(2) Interest of the applicant in the proposed Recreational Unit Park.

(3) Location, address and legal description of the entire proposed Recreational Unit Park.

(4) Existing zoning of subject property and all adjacent properties.

(5) Complete engineering plans and specifications of the proposed Recreational Unit Park showing:

(a) The area and dimensions of the entire tract of land;

(b) The land uses occupying the adjacent properties;

(c) The number, size and location of the proposed vehicle sites and other parking areas;

(d) The location, right-of-way, surfaced roadway width, and the surfacing material of roadways and walkways;

(e) The proposed interior vehicular and pedestrian circulation patterns;

(f) The location of buildings, sanitary stations, and any other existing or proposed structures;

(g) The location of water and sewer lines and riser pipes;

(h) Plans and specifications of the water supply, sewage disposal and refuse facilities;

(i) Plans and specifications of all buildings constructed or to be constructed within the Recreational Unit Park;

(j) The locations and details of lighting, electric, and gas systems;

(k) The location of all drainage easements to comply with County Drain Commission requirements; and

(l) Solid waste disposal plan.

(6) 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.

SECTION 8.5 FOOD PROCESSING PLANTS IN A-1 DISTRICTS:

Section 8.5.1 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 8.1 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.

Section 8.5.2 Required Information:

The following information shall be submitted as a basis for judging the suitability of the proposed operation:

(1) A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other construction features which shall be proposed.

(2) 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.

(3) 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.

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

SECTION 8.6 INSTITUTIONAL STRUCTURES AND USES IN THE RESIDENTIAL AND AGRICULTURAL DISTRICTS:

Section 8.6.1 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, PROVIDED compliance is had with procedures and requirements in Section 8.1. Such institutional uses are limited to the following, viz:

(1) Religious Institutions: Churches or similar places of worship, including childcare centers or day care centers, convents, parsonages and parish houses, and other housing for clergy.

(2) Educational and Social Institutions: Public and private schools, including childcare centers or day care centers, auditoriums and other places of assembly, and centers for social activities. Provided private schools, child and day care centers within the residential and agricultural zone district meet the following requirements:

(a) Such uses shall be duly licensed by the State Department of Social Services.

(b) Fencing of outdoor play areas may be required should it be determined that conditions exist in the immediate vicinity which could be hazardous to the user children, or if the public hearing on the application for a special use permit indicates objectionable trespass could occur onto neighboring properties by the user children.

(c) The minimum lot size shall be one (1) acre.

(d) A special use permit for this purpose shall be good for the period of one (1) year. The zoning Administrator may renew the permit annually unless in receipt of written complaints regarding the land use, in which event the applicant must repeat the original procedure for approval.

(3) Public Buildings and Service Installations: Publicly owned and operated buildings and public utility buildings and structures, transformer stations and substations, radio, television and micro-wave towers, and gas regulator

stations. Personal Wireless Communications towers and facilities shall not be considered Public Buildings or Service Installations for purposes of this Ordinance. **(REVISED BY AMENDMENT 118C)**

(4) Mission Point Lighthouse and Lighthouse Park: **(ADDED BY AMENDMENT 180)** Retail sales shall be allowed within an existing structure located upon the Mission Point Lighthouse Park grounds, provided the following conditions are met:

(a) Items sold shall be limited to merchandise relating to the Mission Point Lighthouse, Michigan lighthouses, and local history. Examples include items such as light house replicas, hats, t-shirts or sweatshirts, coffee mugs, pencils, pins, pens, prints, books, calendars, lapel pin, magnets, puzzles, patches, ornaments and bookmarks with lighthouse logos.

(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 the 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. **(REVISED BY AMENDMENT 189)**

SECTION 8.7 MISCELLANEOUS SPECIAL USES:

Section 8.7.1 Authorization:

Because of particular functional and other inherent characteristics, certain land and structure uses have a high potential of being injurious to surrounding properties by depreciating the quality and value of such property. Many of these uses may also be injurious to the Township as a whole unless they are controlled by minimum standards of construction and operation. It is the intent of this Section to provide a framework of regulatory standards which can be utilized by the Township Board as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a special use permit within the particular zone districts cited.

Section 8.7.2 Special Uses that May be Permitted:

The following land and structure uses may be permitted within the particular zone districts cited, PROVIDED that requirements specified in Section 8.1 and the applicable specified conditions established herein can be complied with:

(1) Incinerators and sanitary fills within the A-1 agricultural zone district.

(2) Sewage treatment and disposal installations within any zone district.

(3) Special Open Space uses, such as public beaches, bath houses, recreational camps, and other open space uses operated for profit within any agricultural zone district.

(4) Golf Courses and Country Clubs.

(5) Airports or airfields, within the agricultural zone district.

(6) Marinas in C-1 District.

(7) Warehousing and light industrial in the Agricultural District.

(8) Wind Energy Conversion Systems.

(9) Bed and Breakfast Establishments within the residential and agricultural zone districts.

(10) Adult Foster Care Facilities in the Agricultural District:

(11) Retail Farm Processing Facilities in the Agricultural District. **(REVISED BY AMENDMENT 201)**

(12) Wireless Telecommunication Antenna Towers.

(13) Remote Tasting Rooms within the Agricultural District A-1. **(REVISED BY AMENDMENT 201)**

Section 8.7.3 Site Development Requirements:

A special use permit shall not be issued for the occupancy or use of a structure or parcel of land, or for the erection, reconstruction or alteration of a structure unless complying with the following site development requirements.

Without limiting the powers of the Township Board in any other Section of this Ordinance, the Township Board shall have the authority to revoke any special use permit when, after reasonable warning, the operator of any use permitted under this Section fail to comply with any of the requirements stipulated. In addition, the Township Board may, to prevent injury or damage to adjoining properties which may impair public health, welfare or safety, require additional conditions and safeguards:

(1) Incinerators and Sanitary Fills:

(a) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes and requirements of the

Health Department.

(b) All uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property.

(c) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form.

(d) The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public roads, to minimize traffic hazards, and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties.

(e) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

(2) Sewage Treatment and Disposal Installations:

(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 wire link fence not less than six (6) feet high.

(c) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (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.

(3) Special Open Space Uses:

(a) The proposed site shall be at least two (2) acres in area.

(b) The proposed site shall have at least one (1) property line abutting a major or secondary thoroughfare. All ingress and egress to the site shall be directly from said thoroughfares.

(c) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot

setback shall be landscaped with trees, grass, and structural screens of a type approved by the Township Board to effectively screen the installation from surrounding residential properties.

(d) No more than twenty-five (25%) percent of the gross site shall be covered by buildings.

(4) Golf Courses and Country Clubs
Other than golf driving ranges and miniature golf courses, subject to the following conditions:

(a) The site area shall be Seventy-five (75) acres or more per each of the nine holes of a golf course and shall be so designed as to provide all ingress and egress directly onto or from a county primary roadway or state trunk line.

(b) A site plan of the proposed development shall be submitted. Such site plan shall indicate the location of service roads, entrances, driveways, and parking areas and shall be so designed in relationship to the major arterial that pedestrian and vehicular traffic safety is encouraged.

(c) Development features shall be shown on said site plans, including the principal and accessory buildings, structures, and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

(d) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

(5) Marinas in C-1 District:

(a) All sites shall be located on a major thoroughfare, as classified on the Comprehensive Development Plan of Peninsula Township, and all ingress and egress to the site shall be from said thoroughfare.

(b) All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

(c) Whenever any use permitted herein abuts property within any Residential District, a transition strip at least two hundred (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 said transition strip.

(d) A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, 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.

(6) Bed and Breakfast Establishments:

(a) Statement of Intent: It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that:

1. The property is suitable for transient lodging facilities.

2. The use is compatible with other uses in the residential and agricultural districts.

3. Residential and agricultural lands shall not be subject to increased trespass.

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

(b) The following requirements for Bed and Breakfast establishments together with any other applicable requirements of this Ordinance shall be complied with:

1. The minimum lot size shall be one (1) acre.

2. Off-street parking shall be provided in accordance with Sections 7.6.3 and 7.6.4 of this Ordinance.

3. The residence shall be the principal dwelling unit on the property and shall be always owner-occupied at all times.

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

5. No more than three (3) sleeping rooms in the residence may

be used for rental purposes.

6. Not more than eight (8) overnight guests may be accommodated at any time.

7. 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. **(REVISED BY AMENDMENT 143)**

8. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

9. 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/occupant.

10. The Township Board shall require that a floor plan drawn to an architectural scale of not less than 1/8" = 1 foot be on file with the Fire Department.

11. Each owner/operator of a Bed and Breakfast Establishment shall keep a guest registry which shall be available for inspecting by the Zoning Administrator, and police and fire officials at any time.

12. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.

13. 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 trespassing onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.

14. Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

15. A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be

changed substantially by the occurrence of the bed and breakfast use.

16. Breakfasts shall be the only meals served to transient tenants. **(ADDED BY AMENDMENT 136)**

(7) Warehousing and Light Industrial:

(a) Uses allowed: **(REVISED BY AMD 131)**

1. Printing and publishing establishments.

2. Small contractors' establishments 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. **(REVISED BY AMENDMENT 131)**

7. Light manufacturing operations employing twenty-five (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 sixty (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 or beyond any boundary of the use of the parcel.

3. Produce no heat or glare humanly perceptible at or beyond the lot boundaries.

4. Produce no physical vibrations humanly perceptible beyond the lot boundaries.

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 Town 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.

(8) Wind Energy Conversion Systems:

(a) WECS shall be allowed in all zoning districts.

(b) In addition to the requirements of Section 8.1, 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, at a minimum, include the following:

1. A standard foundation and anchor design or specifications for normal soil conditions; and

2. A detailed parts list; and

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 8.7.3(h) herein; and

5. Grounding and lighting procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and

6. Underwriters label, where appropriate; and

7. Proof of insurance.

(d) Electromagnetic Interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/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 fifty (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 one hundred (100) feet, unless otherwise prohibited by State of Federal statutes or regulations or granted a variance by the 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:

i. Equipment weight of the tower subsystem;

ii. Manufacturer's name and address;

iii. Model number;

iv. Serial number;

v. 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.

vi. The survival wind speed in miles per hour and meters per second.

vii. Name of installer.

viii. Name of person responsible for maintenance.

ix. Emergency telephone number in force for G and H above.

2. The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location:

i. Maximum power input (KW); rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;

ii. Manufacturer's name and address;

iii. Model number;

iv. Serial number;

v. Emergency and normal shutdown procedures;

vi. Underwriters label where appropriate.

(i) Ground Clearance: For both horizontal and vertical axis turbines, and 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 thereto. The resident 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.

(9) Adult Foster Care Facilities within the Agricultural District

(a) Such uses shall be duly licensed by the State Department of Social Services.

(b) A maximum of ten (10) adults may receive foster care at any one time.

(c) The minimum lot size shall be five (5) acres.

(d) 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.

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

(10) 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:

   i. All processing and retail sales shall be conducted indoors.

   ii. 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.

   iii. The consumption of processed products on premises is permitted indoors only.

   iv. 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.

   v. Free entertainment may be provided within a retail sales/Tasting Room indoors only.

   vi. The hours of operation for retail sales, including the 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.

   vii. 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.

viii. 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.

ix. 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:

i. 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.

ii. 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.

iii. 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.

3. Parcel Requirements:

i. At least fifty (50) acres of contiguous land shall be dedicated to the operation of a Retail Farm Processing Facility with indoor retail sales.

ii. 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.

iii. 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.

iv. The remaining acreage necessary to meet the 50-acre minimum dedication shall consist of a single parcel or two contiguous parcels.

v. 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.

vi. 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:

i. Front Yard Setback: 50 feet.

ii. Side and Rear Yard Setback: 200 feet.

iii. 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:

   i. 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.

   ii. 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.

   iii. 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.

   iv. Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.

   v. 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 Section 6.7.2 in the event that

the accessory Retail Farm Processing Facility use is discontinued or curtailed.

8. Parking: Parking shall conform to the requirements of Section 7.6.

9. Signs: All signage shall conform to the requirements of Section 7.11.

10. Lighting: All exterior lighting shall conform to the requirements of Section 7.14.

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:

    i. The Farm Operation operating the Retail 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 (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 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.

ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

iii. 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:

i. 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.

ii. A Site Plan application with all required submittal materials shall be submitted to the Director of Planning.

i. The site plan shall include at least:

a. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;

b. legal descriptions for all parcels;

c. all existing and proposed structures including setbacks from property lines;

d. proposed parking, landscaping and lighting;

e. floor plan showing all processing areas; and

f. the name, email address, mailing address, and phone number of the Farm Operation.

iii. 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.

iv. 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.

v. 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.

vi. No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.

vii. 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.

viii. 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.

(11) 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:

    i. All processing and retail sales shall be conducted indoors.

    ii. 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.

    iii. The consumption of processed products on premises is permitted indoors and within an approved and clearly defined outdoor seating area.

    iv. 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.

    v. Free entertainment may be provided within a retail sales/Tasting Room indoors only.

    vi. 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.

vii. 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.

viii. 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.

ix. 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:

i. 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.

ii. 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.

iii. 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:

   i. 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.

   ii. 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.

   iii. 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.

   iv. The remaining acreage necessary to meet the 60-acre minimum dedication shall consist of a single parcel or two contiguous parcels.

   v. 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.

   vi. 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:

i. Front Yard Setback: 50 feet.

ii. Side and Rear Yard Setback: 200 feet.

iii. Outdoor Seating Area: 350 feet from all property lines to minimize negative impacts to neighboring properties from noise, light and odors.

iv. 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:

i. 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.

ii. 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.

iii. 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.

iv. Retail sales space may be a separate room within a Retail Farm Processing Facility and shall not exceed 1,500 square feet in area.

v. The area of any Tasting Room shall be included in the total allowed square footage for retail sales.

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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:

   i. The outdoor seating area shall be limited to 750 square feet.

   ii. The maximum occupancy for the outdoor seating area shall be 50 persons at all times.

   iii. 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.

   iv. Table umbrellas or permanent shade structures are permitted.

   v. 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 Section 7.6.

10. Signs: All signage shall conform to the requirements of Section 7.11.

11. Lighting: All exterior lighting shall conform to the requirements of Section 7.14.

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:

    i. 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.

    ii. The above data shall be supplied to the Township in a format or form approved by the Director of Planning.

    iii. 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:

    i. 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.

ii. A Site Plan application with all required submittal materials shall be submitted to the Director of Planning. The site plan shall include at least:

a. the parcel or parcels with parcel numbers dedicated to the Retail Farm Processing Facility with calls and dimensions on all property lines;

b. legal descriptions for all parcels;

c. all existing and proposed structures including setbacks from property lines;

d. proposed parking, landscaping and lighting;

e. floor plan showing all processing areas; and

f. the name, email address, mailing address, and phone number of the Farm Operation.

iii. 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.

iv. 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.

v. 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.

vi. No processing or wholesale or retail sales of products shall take place until a Land Use Permit has been issued by the Zoning Administrator.

vii. 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.

viii. 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.

(12) Wireless Telecommunication Antenna Towers over 40 feet in height shall be subject to the Provisions of Section 8.1 in addition to the following standards:

(a) All towers, structure locations and design approvals for towers in excess of forty (40) feet shall require a Special Use Permit subject to the provisions of Section 8.1 of this Ordinance and this section.

(b) Standards for approval shall include the following in addition to the standards of Section 8.1.

1. 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 one antenna on a single tower may be allowed and/or required by the Township Board.

a. 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.

b. 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.

c. Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:

i. Respond to any requests for information from another potential shared use applicant;

ii. negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and;

iii. make no more than a reasonable charge for a shared use lease.

2. Tower height may be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the Township determined by the Township Board to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of 40 feet. Where the independent evaluation shows that service can be provided by a forty foot or lower tower, no tower in excess of forty (40) feet shall be allowed.

3. The tower and its accessory buildings shall be fenced with no less than a six foot safety fence with a locked gate.

4. The entire facility must be aesthetically and architecturally compatible with its environment.

   a. 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.

   b. In no case will metal exteriors be allowed for accessory buildings.

   c. All connecting wires from towers to accessory buildings shall be underground.

   d. All electrical and other service wires to the facility shall be underground.

   e. The towers themselves must be of monopole design, there shall be no guyed or lattice towers.

   f. The Township Board may require landscape screening of the service building and fencing.

g. Lighting shall be limited to that which is necessary and required by appropriate agency and in addition:

i. Shall conform to the requirements of Section 7.14. and

ii. Strobe lights shall not be allowed. **(Revised by Amendment 175B)**

h. The Township Board may, at its sole discretion, require that the tower be camouflaged to be less obtrusive.

5. The maximum time which an unused tower of over forty feet may stand is twelve (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.

6. Applications shall include the following in addition to any other specific requirements under Section 8.1.

a. Evidence of ownership of the property on which the facility is to be placed.

b. Name and address of the proposed owner and/or operator of the site.

c. Engineering requirements for the service to be provided at the site.

d. Name and address, including phone number of the person responsible for determining the feasibility of co-location as provided in this section.

e. Site plan showing the location of all proposed and existing structures on the property.

f. Preliminary design of all proposed structures.

g. Name and address of all adjacent property owners within 300 feet of the property.

h. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 100 miles per hour.

(13) Remote Tasting Rooms: **(REVISED BY AMENDMENT 201)**

a. Statement of Intent: This Subsection intends to allow tasting of Alcoholic Liquor and non-alcoholic beverages in a tasting room 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 8.8 GASOLINE SERVICE STATIONS:

Section 8.8.1 Statement of Intent:

Facilities to serve motor vehicles are of considerable importance within areas such as Peninsula Township where the basic mode of transportation is the automobile. It is the intent of this Section to exercise a measure of control over service station buildings and their sites, and to establish a basic set of standards which will minimize traffic congestion noise, glare, and safety hazards which are inherent with service station activity. This ordinance requires conformation to these standards before a building permit may be issued for a gasoline service station within the Commercial District; and, in addition, requires the issuance of a special use permit within C-I Districts which complies with the requirements of this Section.

Section 8.8.2 Uses that may be Permitted:

(1) Gasoline Service Stations, as defined in Article III, PROVIDED such accessory uses and services are conducted within a completely enclosed building.

Section 8.8.3 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: Twenty thousand (20,000) square feet with a minimum width of one hundred fifty (150) feet.

(2) Site Location: The proposed site shall have at least one (I) property line on a major thoroughfare as classified on the Comprehensive Development Plan for Peninsula Township.

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

(4) Access Drives: No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare nor more than one (1) driveway approach from any other public street.

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

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

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

(d) Any two (2) driveways giving access to a single street shall be separated by an island with a minimum dimension of twenty (20) feet.

(5) Lighting: All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

(6) Signs as allowed by Section 7.11.

(7) Off-Street Parking: As provided in Article VII, Section 7.6.

SECTION 8.9 MOBILE HOMES IN RESIDENTIAL DISTRICTS

Section 8.9.1 Statement of Intent:

It is the purpose of this section to establish reasonable requirements for mobile homes located outside of licensed mobile home parks and the A-1 District to assure that the mobile home, when located upon the particular site, would compare favorably to other housing in such things as aesthetics, insulation, adequacy of plumbing, size of living space, protection from wind storm damage, quality of manufacture, a solid foundation under the same, obscurity of the wheels and chassis and a community standard size lot.

Section 8.9.2 Zones in Which Mobile Homes are Permitted:

Mobile homes as defined in Section 3.2 shall be permitted subject to the provisions and requirements hereafter set forth in the following zones, viz: R-1A; R-1A, PUD; R-1B; R-1B, PUD; R-1C, PUD; R-1D, PUD.

Section 8.9.3 Qualifying Conditions:

(1) Each mobile home shall bear a label required by Section 3282.362(c)(2) of the Federal Mobile Home Procedural and Enforcement Regulation. Mobile homes shall meet the requirements of the Mobile Home Construction and Safety Standards Act (24 CFR part 3280) and bear a HUD label so indicating.

(2) Each mobile home shall be installed pursuant to the manufacturer's set-up 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.

(3) Within ten (10) days following installation, all towing mechanisms shall be removed from each mobile home. No mobile home shall have any exposed undercarriage or chassis.

(4) Each mobile home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.

(5) 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.

(6) 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 "Mobile 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.

(7) 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, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.

(8) Minimum Width: The minimum elevational width shall be 24 feet.

(9) Each mobile dwelling shall be aesthetically compatible in design and appearance with other residences in the adjacent area as defined in Section 3.2, 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 aesthetic compatibility with other structures.

(10) The compatibility of design and appearance shall be determined by the Peninsula Township Planning Commission and Township Board. The Planning Commission and Township Board shall base their decision on the character, design and appearance of residential dwellings in adjacent areas of the Township.

(11) Aesthetic Compatibility Checklist: The Peninsula Township Planning Commission and Township Board shall use a checklist to determine the compatibility of a proposed mobile home with conventional structures in coterminous areas. The township Clerk shall furnish a copy of the blank form of checklist without charge upon request.

SECTION 8.10 HOTEL, MOTEL, TOURIST COURTS IN THE C-1 COMMERCIAL DISTRICT

Section 8.10.1 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.

Section 8.10.2 Qualifying Conditions:

(1) Minimum Floor Area: Each guest room shall contain not less than two hundred fifty (250) square feet of floor area.

(2) The maximum number of guests per unit shall not exceed five (5) person(s).

(3) Minimum Lot Area: The minimum lot size shall be five (5) acres with a minimum width of three hundred (300) feet.

(4) Maximum Lot Coverage: All buildings, including accessory buildings, shall not occupy more than ten percent (10%) of the net area within property lines.

(5) Minimum Yard Dimensions: All buildings shall set back no less than one hundred fifty (150) feet from any street line, and no less than sixty (60) feet from any side or rear property line.

(6) Maximum Building Height: The maximum building height shall be two (2) stories, but not to exceed twenty-eight (28) feet.

(7) Site Screening: The site may be closed by open structure wood or wire fences along any yard line but shall not exceed six (6) feet in height. Shrubs and/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 four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening which shall not be closer than thirty (30) feet.

(8) Lighting. All lighting shall conform to the requirements of Section 7.14. **(REVISED BY AMENDMENT 175B)**

(9) 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.

(10) 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.

(11) 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" = l foot shall be on file with the Fire Department.

(d) Each operator of a transient lodging facility shall keep a quest 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.

(12) 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.

(13) 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.

(14) Activities and Outdoor Gatherings: Activities made available to guests shall be on the lot used for the facility or on lands under the direct control of the operator either by ownership or lease. 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.

(15) Density of Development: The maximum number of rental units which may be

developed at any single location shall be twenty (20). Accessory uses shall be as approved as a part of the special use permit approval process.

(16) Additional Requirements: Such developments shall meet the requirements of Section 7.7.1 Buffer and Section 7.7.2 Fencing Certain Agricultural Lands. **(REVISED BY AMENDMENT 137B)**

ARTICLE IX: REQUEST FOR AMENDMENT

SECTION 9.1 REQUEST AND MEETING:

Any person affected by this Ordinance may submit a request in writing to the Secretary of the Township Zoning Board asking that consideration be given to a specific amendment to this Ordinance in the particulars set forth in the request. The Zoning Board shall thereafter hold a meeting to consider said petition and shall notify the petitioner of the time and place of such meeting not less than ten (10) days prior thereto.

ARTICLE X: SEPARABILITY

SECTION 10.1 VALIDITY:

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

ARTICLE XI: VIOLATIONS

SECTION 11.1 PENALTIES:

Any person who shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed $100.00 or may be imprisoned not to exceed ninety (90) days, or may be both fined and imprisoned in the discretion of the Court, and each day such violation continues shall be deemed a separate offense.

SECTION 11.2 NUISANCE PER SE:

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 Board of Appeals adopted pursuant hereto are hereby declared to be nuisances per se.

ARTICLE XII: EFFECTIVE DATE

SECTION 12.1 EFFECTIVE DATE:

This amendment No. 6 to the Peninsula Township Zoning Ordinance shall take immediate effect upon passage by the Township Board.

RAYMOND W. CARROLL,
SUPERVISOR HARRY W. HELLER,
Clerk

Adopted by Township Board
on June 5, l972.

ORDINANCE AMENDMENTS

Revised by Amendment 86A and 86B - Adopted by the Township Board on August 13, 1991. Sections 3.2, 6.7.2 (8)

Revised by Amendment 88A, B - Adopted by the Township Board on November 12, 1991. Sections 3.2, New Section 7.10

Revised by Amendment 89A, B, C - Adopted by the Township Board on July 9,1991. Sections 3.2, 8.9.3, 6.7.2 (3)

Revised by Amendment 90 - Adopted by the Township Board on July 9,1991. Sections 3.2, 6.7.2 (10)(11)

Revised by Amendment 91 - Adopted by the Township Board on June 9, 1992. Sections 6.8.1, 7.7, 7.7.1, 7.7.1.1, 7.7.1.2, 7.7.1.3, 7.7.1.4.

Revised by Amendment 92A, B, C, D, E, F, G, H - Adopted by the Township Board on November 12, 1991. Section 6.9.

Revised by Amendment 93A, B, C, D, E, F, G, H - Adopted by the Township Board on January 14, 1992. Sections 8.3.1, 8.3.2, 8.3.3, 8.3.4, 8.3.5, 8.3.6.

Revised by Amendment 94A, B, C - Adopted by the Township Board on April 14, 1992. Sections 8.3.2 (6), 8.3.3 (3)(5), 8.3.5 (4)

Revised by Amendment 95 - Adopted by the Township Board on April 14, 1992. Section 6.7.2 (8).

Revised by Amendment 96A, B, C, D - Adopted by the Township Board on April 14, 1992. Sections 8.1.2 (3)f, 8.1.2 (4), 8.1.2 (5), 8.1.2 (6), 8.3.7.

Revised by Amendment 97-

Revised by Amendment 98A, B, C, D, E - Adopted by the Township Board on July 14, 1992. Sections 3.2, 8.3.4 (4), 8.3.4 (7), 8.3.6, 7.4.7 (3).

Amendment 99 ABC to create winery use was not approved.

Revised by Amendment 100A, B, C, D, E, F, G, H, I, J, K, L, M, O,- Adopted by the Township Board on August 10, 1993. Sections 3.2, 7.2.2, 7.11, 8.7.3(7)(b), 6.2.3(2)(f), 6.6.3(4), 6.6A.3(4), 6.7.2(8), 6.7.3, 8.3.4(5), 8.7.2, 8.7.3, 8.8.3(6).

Amendment 101 to increase size of billboards was not approved.

Amendment 102 to increase minimum water frontage required for shared access was not approved.

Map revised by Amendment 103 - Adopted by the Township Board on August 10, 1993.

Map revised by Amendment 104 - R-1C to C-1 Parcel #28-11-235-042-00 Adopted by the Township Board on September 13, 1994. Effective 10/19/94

Map revised by Amendment 105 - C-2 Commercial to Agriculture A-1 Underwood Farm Market. Adopted by the Township Board on January 10, 1995. Effective 2/20/95.

Amendment 106 A, B, C - Adopted by the Township Board on January 10, 1995. Sections 6.1.1, 6.6, 6.8. Effective 2/20/95

Amendment 107A, B, C, D, E and G. - Adopted by the Township Board on October 10, 1995. Sections 7.10.2, 7.10.4, 7.10.9, 6.8.1, 3.2, 7.11.3. Effective 11/17/95

Amendment 108 - Adopted by the Township Board on December 12, 1995. Sections 6.8.1 (f). Effective 1/21/96

Amendment 109 - keyholing was adopted by the Township Board on March 10, 1998. Sections 3.2, 6.2.2, 7.4.2,

Amendment 110 to add communications antennae was not approved.

Amendment 111 to revise home occupations was not approved.

Amendment 112 to amend winery-chateau section withdrawn.

Amendment 113A, B - Adopted by the Township Board on May 13, 1997. Sections 3.2, 5.7.4(2)(c).

Amendment 114A, B, C, D, E, F, G, H. Adopted by the Township Board on July 8, 1997 Sections 3.2, 6.7.3(3), 7.6.3, 7.6.4, 8.4, Effective 8/28/97

Amendment 114A, B, C, D, E ,F, G, H. (Revised) Adopted by the Township Board on March 10, 1998 Sections 3.2, 6.7.3(3), 7.6.3, 7.6.4, 8.4.

Amendment 115 Fences. Denied by Township Board on July 14, 1998.

Map revised by Amendment 116 - A-1 to R-1A. Adopted by the Township Board on September 9, 1997.

Revised by Amendment 117A, B - Adopted by the Township Board on September 9, 1997. Section 6.7.5., 6.8.1.

Revised by Amendment 118A, B, C, D - Adopted by the Township Board on September 9, 1997. Sections 5.8, 7.12, 8.6.1(3), 8.7.2, 8.7.3(11).

Revised by Amendment 119 - Adopted by the Township Board on September 9, 1997. Sections 7.12.2.

Revised by Amendment 120A, B - Adopted by the Township Board on May 12, 1998. Sections 8.7.2, 8.7.3.

Revised by Amendment 121 - Adopted by the Township Board on July 14, 1998. Section 8.7.3(12)(e).

Revised by Amendment 122 - Adopted by the Township Board on July 14, 1998. Section 7.4.2(3)(b).

Map Revised by Amendment 123 - Adopted by the Township Board on April 14, 1999. Rezoned R-1A to R-1C in Section 36 T28N;R11West.

Revised by Amendment 124 - Clustering Denied by the Township Board on April 14, 1999.

Revised by Amendment 125A, B, C - Adopted by the Township Board on April 13, 1999. Sections 3.2, 6.6.2

Amendment 126 Rezoning request by Farley withdrawn May 9, 1999 prior to the Township Board meeting of June 15, 1999.

Revised by Amendment 127 Revisions to the Winery Chateau Denied by Township Board on July 13, 1999.

Amendment 128 Winery with wine tasting overturned by referendum.

Revised by Amendment 129 Communications Tower revision Adopted by the Township Board October 12, 1999.

Amendment 130 Rezoning request by Matsen withdrawn.

Revised by Amendment 131A, B, C - Adopted by the Township Board on December 12, 2000. Sections 8.7.3(7)a, 8.7.3(7)(a)(6), 6.7.2 (18) Warehousing and Barn Storage.

Amendment 132 - Not sent forward to Township Board by Planning C.

Amendment 133 - Sweeney Rezoning Sent back to P.C. not approved

Amendment 134 - Cluster Development not approved.

Revised by Amendment 135 Adopted by the Township Board on December 11, 2001. Section 6.2.3 (2) Home Occupations

Revised by Amendment 136A, B. Adopted by the Township Board on July 10, 2001 Sections 3.2, 8.7.3(6)(b)16. Bed and Breakfast

Revised by Amendment 137 A, B. Adopted by the Township Board on February 12,2002. Section 7.7.2. and Section 8.10.2 (16) Agricultural Fencing.

Revised by Amendment 138 Agricultural Buffers Adopted by the Township Board on October 8, 2002. Sections 6.8, 7.2.7, 7.7.1, 7.7.1.1, 7.7.1.2, 7.7.1.3.

Revised by Amendment 139 A, B. Adopted by the Township Board on July 9, 2002. Sections 3.2, 6.7.2 Farm Processing Facility

Revised by Amendment 140 Decks Adopted by the Township Board on August 13, 2002 Sections 5.7.3 (4); 6.2.2(2)(d); Add Figure 6-1; Remove Section 6.2.3(3).

Revised by Amendment 141 Guest Activities Adopted by the Township Board on August 10, 2004 Section 8.7.3 (10) to add a new Subsection (u) Guest Activity Uses.

Amendment 142 Country Inn - Not sent forward by the Planning Commission.

Revised by Amendment 143 Bed and Breakfast Adopted by the Township Board on October 8, 2002 Sections 8.7.3(6)(b)7.

Revised by Amendment 144 Landscaping Adopted by the Township Board on February 10, 2003 Section 6.6.3(3).

Amendment 145 Boat Storage DENIED by the Township Board on December 10, 2002.

Revised by Amendment 146 House in Farm Processing Building Adopted by the Township Board on December 10, 2002. Section 6.7.2 (19) new (c).

Revised by Amendment 147 Rezoning Parcel No 28-11-121-075-00 from A-1 to R-1APUD Adopted by the Township Board on April 8, 2003.

Revised by Amendment 148 Rezoning Parcel No 28-11-009-032-00 from A-1 and R-1A to R-1A Adopted by the Township Board on April 8, 2003.

Amendment 149 Rezoning request Parcel 28-11-017-023-10 from A-1 to R-1B Denied

by the Township Board April 13, 2004.

Amendment 150 Rezoning Request Parcel 28-11-008-027-00 Withdrawn.

Revised by Amendment 151 Planned Unit Development Adopted by the Township Board 7-13-04 Sections 3.2 and 8.3.

Revised by Amendment 152 Fences, adopted by the Township Board. Section 7.13.

Amendment 153 Rezoning Request 28-11-031-004-05. Diamond LLC - Removed from further consideration by PC on December 21, 2009 - Property was purchased for a Township Park.

Amendment 154 Rezoning request Parcels 28-11-008-016-00; 28-11-008-016-10; 28-11-008-003-00- withdrawn 3/14/2005.

Revised by Amendment 155 Boarding of Livestock - Adopted by the Township Board on February 8, 2005 - Section 3.2 and 6.7.2 (6).

Amendment 156 Mixed Use Planned Unit Development - Pending at Planning Commn.

Amendment 157 Non-Contiguous PUD - Pending at Planning Commission

Revised by Amendment 158 Development Density - Adopted by the Township Board on August 15, 2006. Sections 8.3.5 (1) and Section 3.2.

Revised by Amendment 159A and B Cupolas - Permitted Exceptions. Adopted by the Township Board on August 9, 2005 Section 3.2 and Section 7.3.1

Amendment 160 Road Continuity - returned to PC by Twp Bd. 6-14-05 Replaced by Amendment 164.

Map revised by Amendment 161 Rezoning 2.76-acre portion of 28-11-018-006-01 from R-1A to A-1 Adopted by Township Board on July 12, 2005.

Revised by Amendment 162A Area for Livestock Adopted by the Township Board August 9, 2005 Section 6.7.2 (6)

Amendment 162B not approved and sent back to the Planning Commission. Pending

Revised by Amendment 163 Accessory Structures in Condominiums - Adopted by the Township Board on April 11, 2006 - New Section 6.9.3.6 and renumber remaining.

Amendment 164 - Road Connections Twp Bd. 8-15-06 DENIED - CLOSED

Amendment 165 - Condominium PUD Pending Planning Commission

Revised by Amendment 166 - Migrant Adopted by the Township Board on August 15, 2006 Section 3.2.

Revised by Amendment 167A and B - Ordinance Enforcement Adopted by the Township Board on May 9, 2006. Section 4.1.2 and Section 4.2.1 - Violations and Penalties.

Revised by Amendment 168 - PUD density clarification - Adopted by the Township Board on May 8, 2007. Section 8.3.3 (4)

Amendment 169 - Definitions - Not recommended by Planning Commission - Closed

Revised by Amendment 170 Regarding building envelopes. Adopted by the Township Board on February 9, 2007. Section 8.3.6 (a)

Revised by Amendment 171A & B. Nonconforming Uses and Structures. Adopted by the Township Board on February 9, 2007. Section 3.2 and Section 7.5

Revised by Amendment 172 Correction to Section 4.1.3 Adopted by the Township Board on February 9, 2007. Section 4.1.3.

Amendment 173 R-1A Labor camp and Roadside Stand - CLOSED NOT RECOMMENDED BY THE PLANNING COMMISSION

Revised by Amendment 174 - Farm Processing Sign - Adopted by the Township Board on April 10, 2007. Section 3.2; Section 6.7.2; Section 7.11.5; Section 7.11.6 and Section 7.11.6 (3).

Revised by Amendment 175A & B - Exterior Lighting Standards Adopted by the Township Board on July 8, 2008 Article 7; Section 6.6.5.3 (12); Section 6.7.2 (19) (b) 10. ; Section 6.9.4.3 ; Section 7.6.4. (2) (f); Section 8.2.3. (14); Section 8.4.3 (9); Section 8.7.3 (10) (l); Section 8.7.3 (11) (b) 4.g.; Section 8.8.3 (5) ; Section 8.10.2 (8); Section 6.2.3 (2) (f); Section 7.11.1 (12); Section 7.11.2 (7).

Revised by Amendment 176A Additions to Non-Conforming Structures; and Amendment 176B - Moving or Replacing Non-Conforming Structure - Adopted by the Township Board on October 9, 2007 - Section 7.5.5 ; Section 7.5.6.

Amendment 177 A, B & C. Detached Residential Garage Standards - Not adopted.

Amendment 178 Planning Act updates - pending

Amendment 179 Farm Processing Facility Start Up Permit - Planning Commission -

pending.

Amendment 180 Lighthouse Gift Shop - Adopted by Township Board on March 10, 2009, Section 8.6.

Amendment 181 Sales of Wine by the Glass - Adopted by Township Board on August 11, 2009 Section 3.2 Section 6.7.2 (19) (a); Section 6.7.2 (19) (b) 1.; Section 6.7.2 (19) (b) 2.; Section 8.7.3 (10) (d); Section 8.7.3 (12) (g) and (h)

Amendment 182 Rental of Non-owner Occupied Dwelling - Adopted by Township Board on June 9, 2009 Section 6.2.2 (2)(e).

Amendment 184 Township Property Exempt - Adopted by Township Board on August 11, 2009, Section 7.12.2.

Amendment 185 No official action taken regarding wood stove regulations.

Amendment 186 NOT ADOPTED Assisted Living – No Action taken by the Township Board.

Amendment 187 NOT ADOPTED Roadside Stands – TABLED by the Township Board.

Amendment 188 – Remove Section 5.7.4 Adopted by Township Board on June 14, 2011. Section 5.7.4 Special Exceptions deleted.

Amendment 189 – Lighthouse Retail Sales - Adopted by Township Board on January 10, 2012. Section 8.6.1(4).

Amendment 190 – Effective Date July 7, 2016.

Amend - Section 3.2 Dwelling and Event definitions. Section 3.2.
Add - Section 4.3 Escrow.
Amend – Section 5.7.3 Variances. To read in its entirety.
Amend – Section 7.4.2(3). To read in its entirety.
Amend – Section 7.5.5 Additions to Non-Conforming Structure:
Amend – Subsection 7.11.6(d) To read in its entirety:

Amendment 191 – NOT ADOPTED limit one application at a time. NO ACTION BY THE TOWNSHIP BOARD

Amendment 192 – Amend Section 7.10.11 Existing Non-Conforming Roads to read in its entirety. Effective Date July 24, 2017.

Amendment 193 – NOT ADOPTED Revised as Amendment 195.

Amendment 194 – Revise Section 4.2.1. Violations and Penalties in its entirety. Effective date March 13. 2018. Section 4.2.1.

Amendment 195 – Adopted May 22,2018. Effective Date June 17, 2018
Amend Section 6.9.3.7 Delete existing and replace with by new Section 6.9.3.7 Wetlands and Floodplain Regulations.
Add new Section 7.1.3 limit uses on uninhabitable lands.
Delete Section 7.4.7 in its entirety and replace with revised Section 7.4.7 Floodplains and Wetland Controls.

Amendment 196 – Adopted June 12, 2018. Effective Date June 19, 2018
Amend Section 4.3 Escrow.

Amendment 197 – Adopted January 22, 2019. Effective Date January 25, 2019
Amend Section 6.7.2 (19) b. 4. and 6. Farm Processing Facilities

Amendment 198 - NOT ADOPTED

Amendment 199 – Adopted October 8, 2019. Effective Date December 1, 2019
Add new Section 7.2.8 On-site Solar Energy Systems

Amendment 200 – Adopted March 9, 2021. Effective Date April 24, 2021
Amend Section 7.2.8 Accessory On-site Solar Energy Systems and Section 3.2 Definitions

Amendment 201 – Adopted December 13, 2022. Effective Date December 29, 2022
Amend Section 3.2 Farm Processing
Amend Section 6.7.2(19) Wholesale Farm Processing Facility
Amend Section 6.7.3(22) Retail Farm Processing Facilities
Amend Section 7.6.3 (9) & (10) Parking
Amend Section 8.7.2(11), 8.7.3(10), & 8.7.3(11) Retail Farm Processing Facilities
Amend Section 8.7.3 (10), 8.7.2(13), & 8.7.3(12) Winery-Chateaus, Remote Tasting Rooms

Amendment 202 – Adopted October 11, 2022.
Zoning Moratorium

Amendment 203 – May 9, 2023. Effective Date May 16, 2023
Amend 3.2 Farm Stand
Amend 6.7.2(8) Farm Stand Regulations

Amendment 204 – March 12, 2024. Effective Date March 24, 2024
Amend Section 3.2 Building Height
Amend Section 6.8 Schedule of Regulations, Building Height

Amend Section 7.9.3(4) Airport Overlay District Height Limitations
Amend Section 8.3.5(5) PUD Maximum Permissive Height

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