

**CENTERVILLE TOWNSHIP
PLANNING COMMISSION**

*Lindy Kellogg, Chairperson; Vice-chair, Rolf von Walthausen;
Joe Mosher, Board Representative;
Mary Beeker, Secretary; Noel Bielaczyc, ZBA rep;
Cindy Kacin, Recording Secretary;
Chris Grobbel, Planner*

July 11, 2024, Special Meeting, *Approved Minutes (Approved 10-07-2024)*

Call to Order: Kellogg called the meeting to order at 6:36 p.m.

Attendance: Mary Beeker, Noel Bielaczyc, Rolf von Walthausen, Lindy Kellogg

Absent: Joe Mosher

Quorum Present

- **Staff Present:** Township Planner, Chris Grobbel
- **Public attendance:** 9 in person

- I. **Review Agenda**
 - a. No changes were made to the agenda.
- II. **Public Comment Regarding the Agenda** - None
- III. **Revise/Approve Agenda**

ACTION: Beeker moved to approve the agenda of July 11, 2024, PC Special meeting, supported by Bielaczyc. Motion carried. 4,0

- IV. **Declaration of Conflict of Interest** – None

- V. **Public Comment**

Don Baty – He noted that he is not speaking for the LLLA, but himself as a resident. He stated that the PC is doing great work, although there are still some areas of the ordinance that do not work. The park model definition is problematic. There are other small issues that need to be cleaned up. You can assume there will be attorney challenges, so it is important to get it right.

(Note: Don Baty sent in an edited version of parts of the ordinance that are of his concern. That document is at the end of this document with other written public comments)

Bill Rastetter – He asked if the extension was approved. (It was. Extension end date is August 31, 2024). He stated that there are some ambiguities that need to be cleaned up.

Neil Dziedzic– He commented about how noise disturbance is addressed in section 3.19. He lives across the street from Bellago. The frequent band music is a nuisance to him. He stated that the online complaint form is not editable. He would like to

see the notes kept by the Zoning Administrator about complaints. He wants to make sure that complaints are being addressed.

(Email comments received before this meeting are located at the end of this document)

VI. **Planning and Zoning Issues**

- Continued review and discussion of Zoning Ordinance Version 13.

a. Section 1 – Purpose statement – in the beginning of the ZO. Revised to better reflect Township authority per the Michigan planning and zoning enabling acts, and the important relationship between the Township Master Plan and the ZO;

Comments: The purpose statement is not enforceable. It is in an old format and couldn't be put in the Table of Contents. The language was modified in version 13 to note the relationship between the Master Plan and the Zoning Ordinance. The need for the Master Plan to drive the Zoning Ordinance was made explicit. The Commission agreed that the revised purpose statement was understandable and explicit.

b. Section 12.5 – Marinas – amended definition, and proposed prohibition on new or expanded marinas;

Comments: It is important to realize that the amendments are for future situations and does not affect existing properties. The definition of "marina" was changed (see p. 16). New marinas and expanded marinas are prohibited in section 12.5, p. 88. The subject was discussed thoroughly throughout this process. Kellogg read aloud the new language. All agreed the revised section is more understandable. There is no commercial-owned property on the Centerville lakeshore that would warrant new or expanded marina(s). Commission members were polled and all were in agreement with the revised language.

ACTION: Beeker moved to accept the definition of marina in Section 2.2 and section 12.5 as documented in version 13; supported by von Walthausen. Motion carried. 4,0

c. Section 3.9 and Section 17 Docks, moorings, etc. – have been made the same in both Sections 3.9 and the new waterfront overlay language in Section 17;

Comments: Language that was repetitive in the two sections were deleted. Docks may go out to a depth of 3 feet which is a regulation that comes from EGLE. The section about the docks was read aloud.

d. Section 12.6 Prohibition of the future "hardening" of the lakeshores with seawalls, breakwater, etc.; and

Comments: The Commission noted that there is a complex system of what happens on the lakeshore. The county has a requirement that any sediment cannot flow into

the water. There are other requirements from the state and federal government. Attorneys will state that you can't go beyond what the federal and state has legislated. Currently, EGLE allows for riprap and/or a biotechnical shoreline stabilization system. EGLE also allows for jute matting. The Township endorses the current EGLE policy. Centerville would be the first to do so. This would be for new shoreline properties or those who would be ripping out their seawall and putting in something new to stop shoreline erosion. Hardening of the shoreline is prohibited in section 12.6 on p. 88.

This subject has come up over and over in public comment. Beeker sees it as protecting the shoreline for all. The LLLA is also in favor. This is not an expensive thing to do. The Commission was in favor of the aforementioned policy concerning sea walls.

ACTION: Bielaczyc moved to adopt the new language on seawalls in section 12.6 of the revised zoning ordinance as discussed; supported by Beeker. Motion carried.

e. Section 3.21 Numerous proposed changes to the Ag-related Enterprise for further PC discussion (e.g., type and size of campsites, numbers regarding events/people, keeping or deleting GAAMPS, on-site farm manager, etc.).

Comments: This has required a deep and important discussion. Grobbel read all the comments and submitted documents, and tried to incorporate everyone's ideas. We don't have to have a definition of everything in the ordinance. There are things that need to be defined and Grobbel has given advice. The Commission felt that what has been done is good to very good. It will never be perfect.

- GAMMPS – This is a voluntary program that has a list of standards. It is being referenced in the ordinance as a standard. We cannot codify it. GAMMPS standards are used in the ordinance in conjunction with the intent of GAMMPS. GAMMPS is a useful framework. It is useful as a reference but not as an absolute must in the ordinance. The statement to that effect that it is a must was struck from the ordinance. It is more of a recommendation.
- Campsites – on an agricultural property. Grobbel gave examples of dimensions for campsites. Kellogg referred to Steve Hamilton's comment about limiting the number of vehicles at a campsite. Campers are familiar with national and state park regulations. Square footage limits were discussed. The number of allowed days was discussed. The purpose is to allow people to use a campground but not to live in the campground for an extended period of time. The concern is that people would use the campground as a permanent seasonal residence. Also, the intent of the camping needs to be related to farming. The requirement would be for no more than a 7-day stay. Bielaczyc noted that some farms may allow those working on the farm to camp. That is something to consider. It was agreed that the ordinance needs to be explicit and keep with the intent of learning about farming.

Section 3212.11 on p. 67 requires that 4 or fewer campsites are allowed for overnight stays. This may not be reasonable during a farm growing season. It may take away a money-making opportunity for the farmer. The length of stay could be kept at 7 days.

There was a question of where this information should be located in the ordinance. We are allowing camp sites, but not campgrounds. Grobbel explained how this section is currently structured.

In section 9 on p. 79 and section 320.2 on p. 67 appear to contradict each other. One states that it is a special use situation and the other states that it is an ag-related enterprise. Perhaps everything needs to go to special use.

Some of this discussion also applies to regulations about events. It is necessary to give consideration to what is reasonable and what would bring a nuisance to neighbors.

There was discussion about RV sites and rustic campsites. RV's have need of services such as electricity, waste disposal, etc. Should those services be left up to the farmer? Limiting the number of vehicles was discussed. Hard-walled and roofed structures would not be allowed.

The Commission agreed that the limit of occupancy should be 6 per campsite and there should be a limit of 2 vehicles per site.

There should be not be gasoline or diesel fuel container at the campsite.

It was agreed there was no way to screen or get rid of noise nuisance. There was discussion about the noise of generator use. Generator use could be limited to a time frame, like 9 am to 6 pm. This is something that was looked at in the discussion about Leelanau Pines. The point is that we are trying to prevent a nuisance and negative impact to others. The consensus was that there should be no limits on generators other than a time frame for usage.

On-site management – This is in section 11 on p. 6. The intent is to have someone to respond to complaints/problems in a timely fashion. There has to be a reasonable way to reach someone who can solve the issue. It was felt that it is overreach to require a manager to be on-site 24 hours a day. However, 24-hour contact information should be conspicuously posted and provided to the Township.

Grobbel read aloud the section. There was a statement that emphasized that farming is the most important aspect. There was discussion about new buildings going up to support ag-related enterprises. Would the new structures exceed farming as the primary use of the building? Language was written to keep the use of structures more for farming than for ag-related enterprises.

Events – Grobbel read aloud what is currently in the revision. It could be divided into civic events, private events, and ag-related events if that would be helpful. Civic events wouldn't be on a farm. There was discussion about limiting the size and how many days and occurrences of events per season. There was discussion

about what is done in Leelanau Township: 1 per month and no more than 3 per year.

There was discussion about on-site food preparation.

Private events – There was discussion about private events being held on a farm such as weddings. Rules about hours of operation and the number of people could be the same as required for all events. Having a family event (wedding, reunion) was discussed as opposed to someone renting the property for such an event. Wineries are allowed to host weddings. Language needs to be consistent with what is written in the events section.

THE SUBJECT WAS TABLED FOR DISCUSSION UNTIL NEXT MEETING.

VII. Public Comment (time limit of 3 minutes per attendee)

Don Baty – He spoke about the need for definitions. He encouraged the Commission to look at definitions so that it doesn't create a later problem.

Neil Dziedzic – He commented on item #5 on p. 88 and the use of the words "and" and "or." In section 3.9 on p. 34, he felt the lake levels of Lake Leelanau should be provided. Grobbel explained how the lake level is controlled by the Dam Authority. He also commented on language about background noise on p. 10.

Bill Walters – Ag-related enterprises should keep focusing on helping the farm. Definitions are a lot of micro managing. Language about on-site food preparation should be as liberal as possible to allow for events like barbeques during family events.

Derenda Lefevre – In section 16.9 b.5 on p. 118, the language is outdated. She can provide updated ADA language.

Michele Uhaze – She strongly recommended square footage language for campsites.

Steve Hamiton – The word "tourism" still appears in the document and needs to be deleted.

VIII. Planner Update

Attorneys are handling the septage application situation that has been discussed at previous Planning meetings. There is a ZBA meeting coming up about the Old Store on Good Harbor Trail. Grobbel has inspected the Northgate site and there is no grading going on. Northgate applied to do work that the PC has said "No" to.

Adjournment

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Cindy Kacin

COMMENTS SUBMITTED TO JULY 11, 2024 SPECIAL PLANNING MEETING

----- Forwarded message -----

From: **Derenda LeFevre** <derendalefevre@gmail.com>

Date: Wed, Jul 10, 2024 at 12:28 PM

Subject: Public Comment for 7/11/24

To: Joe Mosher <moshercentervilletp@gmail.com>, Lindy Kellogg <kelloggcentervillepc@gmail.com>, <noel.bielaczyc@gmail.com>, <mbeekercentervillepc@gmail.com>, <rolf.centervillepc@gmail.com>, <grobbeenvironmental@gmail.com>

Dear Planning Commissioners,

RE: Section 3.21 AGRICULTURE-RELATED ENTERPRISES

First, I want to thank you all for the detailed discussion regarding the neighborhood letter submitted by Steve on our behalf.

Second, I would like to recommend that the PC clarify the language in this section to clearly reflect which activities require a Special Land Use Permit/Site Plan Application or and which uses do not.

- Farm stays are currently listed under “uses permitted by right” along with farm stands, etc. I don’t believe they are the same as the other uses listed and should require a Special Land Use Permit and Site Plan Application.
- I am in agreement with my neighbors that the oversight of these operations needs further discussion and that there needs to be a person on site if a farmer wishes to offer farm stays. Barclay Welch has provided some important insights in his public comment that should be considered by the PC.

Third, the following language was discussed and agreed to at the meeting, but didn’t appear in the recent version or appeared as edited differently from the discussion:

3.21.1

C.3. Sales shall be limited to farm products and cottage foods. In compliance with GAAMPS for products markets such as fruit, vegetables, baked goods, plant and nursery stock, compost, eggs, meat products, or farm-related products such as milk, cheeses, honey, preserves, or butter, etc. A bakery may exist as part of a farm market.

- A farm product means those plants and animals useful to humans produced by agriculture and includes, but is not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, 6ervidae, 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 Commission of Agriculture & Rural Development.**
- Cottage Foods means non-potentially hazardous foods that do not require time and/or temperature control for safety and can be produced in a home kitchen (the kitchen of the person’s primary domestic residence) for direct sale to customers at farmers markets, farm markets, roadside stands or other direct markets. The products can’t be sold to retail stores; restaurants; over the Internet; by mail order; or to wholesalers, brokers or other food distributors who resell foods.**

C.8.f. Vehicles, recreational vehicles or related products and facilities

C.8.j. Campsitesgrounds This contradicts farm stays. Campgrounds should not be allowed, campsites as part of a farm stay should be allowed and are currently referred to as campsites.

3.21.2

A.13. Farm Tours, Demonstrations, Cooking and other classes utilizing farm products, and Farm-to-Table Dinners.

Source: GAAMPS Farm Markets – “Marketing – Promotional and educational activities at the farm market incidental to farm products with the intention of selling more farm products. These activities include, but are not limited to, farm tours (walking or motorized), demonstrations, cooking and other classes utilizing farm products, and farm-to-table dinners.”

GAAMPS defines location, buildings, parking and driveways, vehicle ingress/egress, and signage. It does not address hours of operation or occupancy.

Last, I want to offer the following source to guide any further discussion and determination of the following:

4. At least 50-percent of products sold or 50-percent of income earned must be produced must come from products produced on the working farm or a commonly owned off-site farm or facility.

According to GAAMPS for Farm Markets:

“At least 50 percent of the products offered must be produced on and by the affiliated farm 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. Processed products will be considered as produced on and by the farm if at least 50 percent of the product’s primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.”

Thank you again for all of the time, thought and attention you’ve given this section of the ordinance and for considering public comment during this revision. I believe we are on track for guiding our township away from commercial enterprises and beginning to understand how we can support our farmers.

Derenda LeFevre

----- Forwarded message -----

From: **Steve Hamilton** <hamiltonsteve811@gmail.com>

Date: Wed, Jul 10, 2024 at 9:14 AM

Subject: Zoning ordinance revision version 13

To: Lindy Kellogg <lkelloggcentervillepc@gmail.com>, <rolf.centervillepc@gmail.com>, Joe Mosher <moshercentervilletwp@gmail.com>, <mbeekercentervillepc@gmail.com>, <noel.centervillepc@gmail.com>, <grobbeenvironmental@gmail.com>

Cc: Emma Rosi <emmarosi943@gmail.com>

Hello,

In reviewing the latest version of the agriculture-related enterprises section, I offer the following comments, a number of which need not be discussed at the meeting.

1. I agree with Barclay Welch’s concerns about the need to put time limits on approvals of site plans and/or special land uses.

2. The impression that the township is “micromanaging” camping could result in more resistance from farmers and others. Personally I am not too concerned about the dimensional specifications of campsites as long as they are limited in number, as they are in the current version. I am not sure whether you can declare that only tent camping is allowable, nor do I think that is necessary, and there is a continuum from tents to tent trailers to RVs. Limits to the number of people and tents/RVs/vehicles could be more defensible if they follow what NPS does at, e.g., DH Day Campground, quoted below from their website:

- No more than six (6) people will be permitted on a site.

- LIMIT TWO (2) VEHICLES permitted on a site: only one may be a truck camper, camper trailer, boat

trailer, or motor-home.

- Quiet hours are 10:00 p.m. – 6:00 a.m. Noise levels must be controlled at all times to avoid disturbing other campers.

- Generator use is allowed only in campsites 1-31. Generators may be used from 9:00 am – 6:00 pm.

- Camping is limited to 14 total days per designated campground between Memorial Day Weekend through Labor Day. Camping equipment may not remain on a site for more than 14 days, even if used by a different person or group.

Also, I think that if RVs of any kind are permitted, it may be hard to say no to generators since some folks may want/need them for AC, medical equipment, etc. That is especially true if electric service is not allowed. Farms have so much other noisy equipment that a small generator would not seem to be a problem, as long as there is a good setback distance from adjoining properties.

By the way, is there a specified setback from property boundaries now? I did not spot one.

3. In Table of Contents, strike “tourism” from Section 3.21.

4. Section 3.2.1 “farm stars” = farm stays

5. In above paragraph and throughout this section, consider replacing “income” (net earnings after costs) with “revenue” (total earnings) as was suggested by Don Baty at the last meeting. See in particular Sections 3.21.1.C.1 and 3.21.3.B.1.a

6. Section 3.21.1.C.4 — As was discussed at the last meeting, this could be hard to quantify whereas income/revenue is more straightforward.

As an extreme example, how does one compare blueberries with cattle using numbers sold?

7. Section 3.21.1.C.8.j — Why change “campgrounds” here (defined as 5 or more sites) to “campsites” given that we are allowing up to four campsites?

8. Section 3.21.1.C.11 — So you are requiring someone to be on-site day and night? Need to define “on-site” – what if the person resides a mile down the road, on a separate property, but is readily accessible at any time?

10. Section 3.21.1.C.12 — “shall be considered as part of the Planning Commission’s review” may be better.

11. Section 3.21.2.A — Maybe say “The following agriculture-related enterprises...are permitted”?

Also, does “permitted by right” here imply that no Site Plan (or Special Land Use Permit) has to be submitted, in contrast to the things listed in section 3.21.3? May need to clarify whether permitted by

right means approval without review or conditions as long as the specified requirements are met. It seems to me that the Planning Commission ought to evaluate any proposed enterprise in case of special considerations.

Once again, I thank the Planning Commission and your Planner for your meticulous and thoughtful work on this ordinance, which is much improved and will help maintain the viability of farms while preserving the rural landscapes of our township. The ordinance will serve as a model for others in the region.

Sincerely,
Steve

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Letter to Neighbors

At the regular meeting on 6/3, The Planning commission indicated they would schedule special meetings to review public comment that had been submitted during the zoning revision process.

The first meeting was 6/17 where much of the meeting was primarily reviewing comments by Don Baty and the Lake Leelanau Lake Association.

The next Special Meeting was held on 6/20. Comments reviewed were mine (Michele Uhaze) and what the PC refer to as the "Steve Hamilton Document" (authored by Derenda LeFevre) and drafted and submitted on behalf of all of us. (and for point of reference and clarification, I will refer to the document as the "Steve Hamilton Document")

During this Special meeting on the 20th, I realized there was language in the Steve Hamilton Document that I did not agree with, and I take full responsibility for not noting these items prior to the submission of this document to the PC on May 13 and will email the Commissioners my views which I have outlined below. These items are:

- Section 3.22.1 #8, - Sales and Uses not allowed include but are not limited to:
 - Item J – Campgrounds - My concern here is that the document then goes on to reference Michigan.gov State parks rules and regulations – which are essentially campgrounds. My other concern is that so much of the focus then goes on to define campsites and that we have veered away from the language of description of farm stays.
- Section 3.22.2 Letter A # 11 – “Definition of a campsite: A minimum of 50 X 50 in size.....etc.” My concern here is how we ever thought that 2500 sq. feet was appropriate for a “farm stay” and again the document continues to reference Michigan.gov definitions for camp grounds. The PC who had originally agreed on 400 sq feet then changed the maximum size to 1000 sq. feet.
- Section 3.22..2 Letter A # 11 a.iii – A camping cabin is a hard sided shelter that is less than a 400 square feet in area. I cannot support a cabin which in my opinion lends itself to more permanent year-round structures.

We are all in agreement that the parcel owner or manager must reside on property and is responsible for enforcing all conditions above. Letter f under 3.22.2 Letter A item 11.

However, a PC member questioned the validity of ZO being able to require this. I have made reference to the Cleveland Township ZO and the proposed Leelanau Township proposed ZO (supported by the Hallstedt Cherry farmers) several times and both require the parcel owner to be on property. A comment was made that many farmers do not currently live on their farm property.

My view is that these farms currently do not have farm stays or campers on their properties. They have fruit trees or vines or vegetables or corn etc. Adding camping whether tent or RV and up to 6 people per site, creates a completely different element of potential risk which include parties/noise/trespass/traffic/overcrowding/smoke and more. To put the responsibility of enforcing conditions on the neighboring homeowner is quite simply unacceptable.

A question came up during the Planning commissioner's discussion as to whether current camp ground owners reside on their properties and no one was able to confirm this. Leelanau RV Park located on South Lake Shore drive directly across from Amore Rd, owner lives on site. In speaking to several campers, "they appreciate the rules being enforced" "makes it nice for everyone" feel it's probably this way because Don lives on site"

Also at the 20th's PC meeting, discussion continued on Small non-agricultural related events. 3.22.2 item C. PC members discussed allowing as many as 250 people for these events, which was not agreed on and the proposed number was 150. There was no consensus on this, and it was agreed that at the next PC meeting on 7/11 that there would be further discussion around events. This to me is alarming, 150 people is a large event. The discussion continued around farm to table dinners. In my experience, a Farm to table event was as small as 2 people, 20 people and maximum 50 people. 150 people is not a farm to table event, 150 people is more the size of a wedding or concert or vineyard race. How does allowing 150 person events on agricultural properties support the rural peaceful character of our county? French Valley Vineyards adjacent to some of our neighbor properties already hosts such events. I agree with One (1) on-site event per month and no more than (3) events per year occurring under this section.

We came together as neighbors to prevent a commercial development in our backyards. The planning commission is still working to fine tune the details before the Zoning ordinance is complete. I encourage us to still be diligent. I want to support options for our farmers to generate additional income, but I also feel that where we are in the process is allowing for more "commercial tourism" than agritourism and we are veering down a path that is not compatible with maintaining the rural character of our township.

Dear Planning Commissioners and Dr. Grobbel,

Section 3.21 AGRICULTURE-RELATED ENTERPRISES

The evolution of this section has been remarkable and my comments are given in a spirit of continuing the positive and productive improvements already made by the PC.

What has caught my attention in the present draft is that the ability to set up campsites is permanent. What happens when a sponsoring farmer/owner

sells? What happens if the community and township find them unmanageable? I don't wish to suggest that this will happen but good planning can provide mechanisms for correction regardless of our perceptions of success. There are numerous ways to give the community the opportunity to adjust its approach regarding farm stays without that being penalizing to the farmer/sponsor/owner;

1. the right can be personal to the applicant (not extending to a purchaser or next owner)
2. the right could be limited by duration (say a 5 year license to have a farm stay)
3. the right could be subject to review by the PC say every two years from granting
4. the right could be subject to the lack of operating complaints from adjacent/affected land owners

The goal is not to take something that has been granted away from the recipient but to give the community the opportunity to adjust and evaluate in the future as circumstances change and experience is gathered. We, you, will be making longterm changes to the Township, the consequences of which we are not sure.

To give these enterprises the best chance of success it is essential that the campsites be connected to the people who are relying on them, meaning the campsites must have direct oversight. Of course some may say this is an imposition but that is nothing compared to the problems that will arise from a group of random people with no accountability. I have managed residential buildings both with and without on-site managers. I can tell you that properties without on-site managers had greatly increased problems with;

1. theft
2. physical and verbal assaults
3. drug dealing
4. gang activity
5. sexual assaults

And it should be noted that we could perform and did perform criminal background checks, credit checks and reference checks – **campsites do none of these**. How do we wish to be portrayed in the newspapers and social media? I cannot fully express my caution and fear of unsupervised distributed campsites, serious problems will occur. If a farmer wants to sponsor campsites the condition is that they do it where they or their manager lives.

Respectfully,
Barclay Welch
5541 E Hohnke Road
Cedar, MI

Continued on next page

ZONING ORDINANCE

Centerville Township

Leelanau County, Michigan

EFFECTIVE DATE: April 27, 2023
AMENDED THROUGH: April 27, 2023

*Comments from
Don Baty
7/10/24*

Centerville Township Zoning Ordinance

Enabling Clause

This Ordinance is created to establish land use and building occupancy districts in the Township of Centerville, County of Leelanau, in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended; to govern nonconforming land use and building occupancy; to establish the office of Zoning Administrator and a Board of Appeals, and to define their respective duties and authority for the administration of this Ordinance, to define certain terms used herein, to provide for enforcement and to impose penalties for violation of this Ordinance.

Limitations of Zoning Ordinance

The provisions of this Ordinance shall not impact the continued use of any dwelling, building or structure or any land or premises, which was lawful and existing on the adoption date of this Ordinance.

Repeal of Previous Zoning Ordinance

1. This ordinance repeals and replaces any previous Centerville Township Zoning Ordinance in its entirety.
2. The repeal of the Centerville Township Zoning Ordinance of 2020, as amended, ^(the prior ordinance) ~~and as proved~~ shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any provisions of ~~said ordinance sections~~ ^{the prior ordinance} ~~is hereby~~ continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions ~~therefore~~ ^{under the prior ordinance.}

what was intended by use of the term released?

Interpretation and Relationship to other Regulations

In interpreting and applying the provisions of this Zoning Ordinance, ^{the} ~~these~~ provisions ~~must~~ ^{are} ~~be held to be~~ the minimum requirements for the promotion of the public safety, health, and general welfare. It is not intended by this Zoning Ordinance to interfere with or abrogate or annul any easements, covenants, restrictions established by other ordinances or statutes, or agreements between private parties. However, where this Zoning Ordinance imposes a greater restriction upon ~~the use of buildings or lots or upon the height of buildings, or requires larger open spaces~~ than are imposed or required by any other applicable rule, covenant or law, the provisions of this Zoning Ordinance shall govern. The Township has no responsibility or authority for enforcing private agreements or covenants.

Conflict with State or Federal Regulations

If the provisions of this Zoning Ordinance are inconsistent with those of the state or federal government, the more restrictive provisions will control, to the extent permitted by law.

matters covered in this Ordinance

this ordinance covers things other than use, height and open spaces

ARTICLE I SHORT TITLE

Section 1.1 Title

The title of this Ordinance is "Centerville Township Zoning Ordinance", and it will be referred to herein as "this Ordinance".

ARTICLE II DEFINITIONS

Section 2.1 Rules Applying to the Text

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

- A. Words used in the present tense include the future tense, and the singular includes the plural unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation or firm as well as an individual.
- C. The word "building" includes the word "structure".
- D. The word "lot" includes the words "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- G. Any word or term not interpreted or defined by this article shall be used with a meaning of a common or standard usage.

Section 2.2 Definitions

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

100-Year flood Plain – flood plain along waters within Centerville Township that is inundated during a 100-year flood event as mapped by the Federal Emergency Management Agency.

100-Year Floodway – floodway along waterways within Centerville Township that convey flood flow during a 100-year flood event as mapped by the Federal Emergency Management Agency.

Accessory Building - A non-habitable building or structure used for the storage of accessories that are customary and incidental to the land use district applicable.

Accessory Lot - ~~A small lot or parcel of land, usually separated from the primary residential lot by private road.~~ A lot to be used for parking, garage, garden or septic system, if approved by the Benzie-Leelanau District Health Department. An accessory lot shall be contiguous to the primary building lot and under the same ownership.

Agricultural Labor Housing - A structure/parcel and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters and licensed under the Michigan Department of Agriculture and Rural Development. If not used for agricultural labor housing, all structures must comply with the provisions of this ordinance.

Agriculture - The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, but not including concentrated livestock operations as defined in this

in this Ordinance [Note:
other provisions/Articles]
include definitions]

Ordinance. Flower, vegetable, or other gardens maintained only for the property owner(s) non-commercial use and/or enjoyment are not considered agriculture.

Antenna - Any exterior transmitting or receiving device mounted on a tower building or structure that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Assisted Care Facilities (Foster care facility, Group care home, Assisted living, Nursing home, etc.) - As defined by the State of Michigan's Adult Foster Care Act, P.A. 281 of 1979, as amended, and the Michigan Public Health Code, P.A. 368 of 1978, as amended.

Background sound - The sound level that exists in the absence of and unrelated to wind turbine sound being evaluated for compliance with this Ordinance and includes sounds that would normally be present at least 90 percent of the time. Intermittent noise events such as from aircraft flying over, dogs barking, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road are all part of the ambient noise environment but would not be considered part of the background sound unless they were present for at least 90 percent of the time. In terms of sound measurements, background sound is defined as being the sound level exceeded 90 percent of the time, and it is statistically referred to as L₉₀. Background sound shall not be measured during sporadic noise events such as seasonal farming activities, events permitted under the Centerville Ag-tourism Ordinance and/or the Michigan to Farm Act (1981 PA 93, MCL 286.471 et seq.) and applicable Generally Accepted Agricultural and Management Practices, traffic or weather events that would distort the establishment of a baseline level representative of the L₉₀ rural environment.

Basement - The lowest level of a building or the one just below the main floor, usually wholly or partially lower than the surface of the ground.

Bed and Breakfast - An owner-occupied single family dwelling with bedrooms available for guest use for compensation.

Blade Glint - The intermittent reflection of the sun off the surface of the blades of a single or multiple wind energy system.

Boat House - Any private structure on lakes or water courses, either temporary or permanent, **with or without living quarters** and having a roof and used for the shelter or enclosure of a boat or boats, and the equipment and supplies for such boat or boats. ~~A Boat House, which is permitted only by virtue of the provisions of Section 3.8 4.10 (Boat House - GP) of this Ordinance, shall possess a Michigan Department of Environment Great Lakes & Energy (EGLE) Part 301: Inland Lakes and Streams Act and/or Part 303: Wetland Protection Act permit and shall not have living quarters or be used for any purpose other than that stated in this definition.~~

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

define - under § 2.16 one would look to dictionary & this term is not in dictionary

Building, Principal - The main building on a lot in which the principal use exists or is serviced within a zoning district.

*there is no definition of park model recreational units. Adding this to the defined term is unnecessary and creates an ambiguity - is a park model recreational unit different from a PMRV?

Campground - A parcel of land upon which five (5) or more campground sites are located, established or maintained for occupancy by recreational vehicles, tents, or other individual camping units by the general public as temporary living quarters for recreational purposes regardless of whether they are public or private or there are fees. Campgrounds are regulated by the Michigan Department of EGLE pursuant to the Michigan Public Health Code, P.A. 368 of 1978, ~~as~~ amended. ~~Park model recreational vehicles~~ are prohibited from campgrounds within Centerville Township.

Cidery - A state-licensed facility where agricultural fruit production is maintained; juice is processed into cider and/or hard cider; and sold at wholesale or retail to the public with or without the use of a cider tasting facility.

Clinic - An establishment where patients who are not lodged overnight are admitted for examination and treatment by a state-licensed healthcare professional or a group of state-licensed healthcare professionals practicing medicine, dentistry, veterinary medicine or osteopathy.

Club - An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political or social purposes, which are not conducted for gain and which do not provide merchandising, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

Commercial - Occupied with or engaged in commerce, or work intended for commerce (i.e., the buying and selling of goods and services).

Commercial Garage - A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

Commercial Wind Energy System - A wind energy system that exceeds the maximum thirty (30) kilowatt generator size limit allowed for net metering by the public utility.

Concentrated Animal Feed Operation - As defined by United States Department of Agriculture and/or the laws and regulations of the State of Michigan.

Day Care - A state licensed facility in which minor children are received for care and supervision for periods of less than 24 hours per day, unattended by a parent or other legal guardian, except children related to an adult staff member. Day care facilities provide care to unrelated children for more than four (4) weeks during a calendar year.

Decibel - A logarithmic unit of measurement of sound that expresses the magnitude of a physical quantity, or sound intensity, relative to a specified sound reference level. Decibel is a ratio of two quantities with the same unit, and is therefore dimensionless. A decibel is one tenth of a bel, a seldom-used unit of sound measurement.

Development - A planning or construction project involving property improvement and usually a change in land use character within the site. This includes the act of using land for building or extractive purposes.

Districts - Shall mean areas of the Township of Centerville for which the Zoning regulations governing the use of building and premises, the height and size of buildings, size of yards, and the intensity of use are uniform.

* what is the intent behind this sentence? If a location that otherwise meets the definition but is not regulated, it is not a campground? Or, that campgrounds must be licensed by the state?

particles larger than sand, having a diameter of between 2.0 mm to 7.6 cm (i.e., 3 inches) as defined by the USDA textural classification system.

Guest House - An accessory ~~defined as a dwelling~~ detached from the owner-occupied main residence, however on the same property; which handles an overflow of company that is visiting said residence for a limited period of time. A guest house will not be used as a rental income producing structure.

Hardship - Special or specified circumstances that partially or fully exempt a person from performance of a legal obligation so as to avoid an unreasonable or disproportionate burden or obstacle. With regard to Zoning Board of Appeals proceedings, in order to find hardship, the ZBA must find conditions to exist as detailed in Section 18.10.

Height, Building - In all districts building height is limited to thirty-two (32) feet and no more than two and one-half (2.5) stories. In the case of a principle building, the vertical distance measured from the natural grade with the greatest building height (i.e., to the highest point of the roof surface for flat and A-frames, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs) building height shall be determined as the greatest vertical distance from the natural grade of any side to the highest point of the roof surface. A cupola, widow's watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall also be determined as the greatest vertical distance from the natural grade of any side to the highest point of the roof surface. ~~The vertical distance from the average of the highest and lowest finished grade along the perimeter wall of the building to the highest point of the roof surface.~~ For a commercial wind energy system, height is defined as: the distance between the ground at the base of the wind energy system and the highest point of the wind energy system with the blade in the uppermost vertical position.

Home Occupation - A gainful occupation conducted by occupants of a dwelling ~~members of the family~~, within its place of residence, provided that space used is incidental to residential use.

Horizontal Axis WECS Turbine (HAWT) – A WECS mounted on a WECS tower whose blades rotate around a shaft or similar devise that is roughly parallel to the surface of the ground.

Hotel (or Inn) - A building where lodging with or without meals is furnished to transient or resident guests for compensation, containing sleeping rooms, and wherein a restaurant may be located. **Hotels and Inns do not include agriculture-related enterprise stays.**

Impervious Surface – developed portions of a parcel that preclude or inhibit the infiltration of precipitation or stormwater runoff. Impervious surfaces are typically covered by roofs, asphalt or concrete and include but are not limited to building envelopes/footprints, parking areas, driveways, graded areas, walkways, pathways, patios, and similar structures. Impervious surfaces do not include such areas covered with pervious surfaces such as pervious pavements, pavers, block, etc.

Impulsive Noise - Short acoustical impulses or thumping sounds, which vary in amplitude. Impulsive noise may be a single noise event or an intermittent repetitive noise event with an impulse rate of one or more per second.

Industrial - A building or structure housing a manufacturing process.

Infrasound - Sound frequency less than twenty (20) Hz.

that are installed in such a way as to allow infiltration of water.

Institution - A building occupied by a municipal or non-profit corporation or non-profit establishment for public use.

Junk - Any type of waste materials, refuse or equipment no longer useful to the degree for which it was originally intended, which yet may or may not have some salvage value.

Kennel - A lot or premises on which four (4) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

Keyholing - The practice of using one or more lake lots as lake access for one or more off lake lots.

Land Application Of Septage Waste - the disposal of Septage Waste by applying the septage to the surface of the land or by injecting the septage into the ground.

Lake - as used in this ordinance refers to the definition of inland lake found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended, MCL 324.30101).

Licensed Septage Waste Servicer - A person or entity engaged in the business of servicing Septage Waste under a license granted by EGLE for the servicing of Septage Waste.

Lighting Fixture - A permanently installed lighting or illumination device.

Living Quarters - That portion of a dwelling that is suited for human habitation, is finished in a similar manner to the rest of the dwelling and meets all local and State construction codes for permanent occupancy.

Lodge - A structure for use as a meeting place for members of private clubs, and other non-profit fraternal or religious organizations.

Lot - a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet all minimum dimensional and use requirements and to provide such setback area and other open space as required by this ordinance. ~~Such lot shall have frontage on a public road or street or an approved private street or drive, and may consist of: (a) a single lot or record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds; provided that in no case of lot division or combination shall the area of any lot or parcel created, including residuals be less than the minimum size required by this ordinance. A lot is a parcel of land on which one (1) principal building and its accessories are placed, together with the open space required by this Ordinance.~~

lots created after the effective date of this ordinance

Lot Coverage, Percent - lot area, stated in percentage of the total, covered by all principal and accessory buildings and structures, all impervious surfaces (including previously graded areas, paved and concrete covered areas, patios, sidewalks, roofed structures, etc.), porches, decks, graded areas including private roads, parking areas, driveways, and similar graded and compacted structures or surfaces.

Lot of Record - A lot which is part of a subdivision or condominium, the map of which has been recorded in the office of the Register of Deeds of Leelanau County; or a parcel of land described by metes and bounds, and/or created via the Township Land Division Ordinance, the description of which has been recorded in the office of the Register of Deeds of Leelanau County.

if not in definition of impervious surfaces, add there and delete here.

Low Frequency (Sound) - Sound frequency range from twenty (20) Hz to two hundred (200) Hz.

Marina - A commercial operation ~~boat basin~~ providing dockage, supplies, sales and/or services for watercraft.

Meadery - A state-licensed facility where agricultural fruit production is maintained; juice and honey are processed into mead; and sold at wholesale or retail to the public with or without the use of a mead tasting facility.

Meteorological Tower (MET) - The tower and associated structures and equipment including the base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Mineral - means a naturally occurring solid chemical substance formed through biogeochemical processes, having characteristic chemical composition, highly ordered atomic structures, and specific chemical properties.

Mining Operation - means the excavation, excavation operation, removal, movement, loading/unloading or processing, storage of soil, subsoil, sand, stone, gravel, minerals or non-metallic minerals. Mining operation does not include the following activities:

1. Excavation of a limited scope and duration undertaken primarily for the immediate use and development of land for the construction of buildings, structures or the installation of water wells, septic and sewage facilities, landscaping, activities within a cemetery, and construction which is otherwise ancillary to a land use.
2. Excavation done as part of a farm or farming operation as defined by the Michigan Right to Farm Act, P.A. 93 of 1981, as amended.

Mobile Home - Shall mean any portable structure used for living purposes, mounted on jacks, blocks or foundation with skirting.

Mobile Home Park - A lot, parcel or tract of land used as the site of occupied mobile homes, including any building, structure, vehicle or enclosure used as part of the equipment of such mobile home park, and licensed or licensable under the provisions of Act 96, Public Acts 1987, State of Michigan, as amended, for such purposes.

Motel - Shall mean a building or group of buildings having units containing sleeping accommodations only that are available for temporary occupancy.

Motor Boat - Any ^{boat or vessel} ~~vehicle~~ having an engine (combustion, electric or steam) and capable of being used on or in a body of water.

Multiple Family Dwelling - A building or portion thereof containing more than two (2) dwelling units designed for, or occupied as, the home of two or more families living independently of each other. This definition includes cooperatives and condominium units having a minimum of 800 square feet of living quarters for each unit, (exclusive of porches, attached garages, patios and etc.).

→ although ^{some} ~~the~~ dictionary definitions would indicate a boat is a vehicle, this is an unusual and perhaps confusing use of the term vehicle.

Name Plate Capacity - the designed full-load sustained generating output of an energy facility as determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

Net Metering - The difference between the electricity supplied over the electric distribution system, i.e. the "grid," and the electricity generated by the small WECS which is fed back into the grid over a period of time in accordance with Michigan's Clean, Renewable and Efficient Energy Act (Public Act 295 of 2008) and Michigan Public Service Commission's statewide net metering program.

Noise - Any sound that would be unwanted by a reasonable person.

Non-conforming Structure - A building or structure lawfully existing at the time of enactment of this Ordinance or a subsequent amendment thereto that does not conform to area, height and placement regulations of this Ordinance for the Zoning District in which it is located.

Non-conforming Use - Any building or land lawfully occupied by a use at the effective date of this Ordinance or amendment thereof, which does not conform after passage of this Ordinance or amendment thereto with the requirements of the Zoning District in which it is situated.

Nonmetallic mineral - means a product, commodity or material consisting principally of naturally occurring inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to stone, sand, gravel, clay, cobbles, and topsoil.

Owner - The individual or entity that intends to own and operate the small WECS in accordance with this ordinance.

Owner/Operator, Mineral Extraction - means an owner, lessee or any other person engaged in or preparing to engage in excavation operations, mining operations or quarrying operations, or any other person engaged in or preparing to engage in these activities.

Ordinary High Water Mark (OHWM) - The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and vegetation; or the ordinary high water mark for a water body as determined by the Leelanau County Circuit Court as defined by the Inland Lake Level Act, Part 307 of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Parent Parcel - A parcel or tract of land lawfully in existence on the effective date of this Ordinance.

Park - ~~Park~~ is any non-commercial recreational area.

Park Model Recreational Vehicle (PMRV) - A ~~seasonal use~~ recreational unit/vehicle (formerly referred to recreational park trailers) built on a single trailer chassis, mounted on wheels with a gross trailer area not exceeding 400 square feet in set-up mode, fixed in location by permanent attachment to utility services and/or otherwise fixed to the ground, and sited in RV parks or campgrounds. PMRVs must be certified by the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard. PMRVs are excluded from the definition of a manufactured home under regulations of the U.S. Department of Housing and Urban Development (HUD) specifically because they are a type of RV (24 C.F.R. § 3282.8(g)).

Practical Difficulty - The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances

see
map
page

This definition of PMRV contains ambiguities, loopholes and is not consistent with the State definition of Park Model Recreational Trailer. The following brackets/bold materials inserted in the proposed definition highlights some of the issues with the definition:

Park Model Recreational Vehicle (PMRV) - A seasonal use recreational unit/vehicle (formerly referred to recreational park trailers) built on a single trailer chassis, mounted on wheels **[if the wheels are moved, does it mean it is no longer a PMRV?]** with a gross trailer area not exceeding 400 square feet in set-up mode **[what does gross trailer area mean? The outside dimensions when being transported on a road? If so, what is “in full set-up mode” intended to mean? These references to trailer size and “full setup mode” seem inconsistent. Also, if it is 401 square feet, it would not be a PMRV. Note that the use of 400 feet ties into the fact that HUD regulates homes built on a frame if they are in excess of 400 feet but the fact that HUD may regulate the structure is irrelevant to the how the term PMRV is used in the Ordinance.]**, fixed in location by permanent attachment to utility services **[PMRVs sometimes have an electrical service and plumbing that can be easily disconnected if and when the structure is to be moved. Would that mean such a moveable structure is not a PMRV under this prong of the definition?]** and/or otherwise fixed to the ground**[what does this mean? If the structure is jacked up and removable skirting is installed, is it “fixed to the ground”? a good argument exists that it is not fixed to the ground.]**, and sited in RV parks or campgrounds **[this last requirement would mean that something that is otherwise a PMRV is not a PMRV if it is not in a campground. And if PMRVs are prohibited in campgrounds, this inclusion in the definition is circular]**. PMRVs must be certified **[does this mean if a structure that otherwise meets the definition but is not certified, it is not a PMRV? Or does it mean if a structure meets the definition, it must also be certified?]** by the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard **[these are standards that are akin to a building code on matters like plumbing and electrical and are not relevant for purposes of the Ordinance unless it is intended that PMRVs not in campgrounds must meet these building code like requirements]**. PMRVs are excluded from the definition of a manufactured home under regulations of the U.S. Department of Housing and Urban Development (HUD) specifically because they are a type of RV (24 C.F.R. § 3282.8(g)). **[this CFR section has been deleted from the Federal Regulations. HUD regulations, in effect, provide that a home built on a chassis is subject to HUD regulations if it is greater than 400 square feet]**.

Because the draft ordinance prohibits PMRVs in campgrounds and also includes PMRVs within the definition of Building, something like the following would be a preferred definition that does not create loopholes or interpretation disputes and is based on the Michigan definition of Park Model Vehicle:

Park Model Recreational Vehicle (PMRV) - A seasonal use recreational unit/vehicle (formerly referred to recreational park trailers) built on a single trailer chassis, initially mounted on wheels, that was designed to be towed from time to time, and may be connected to utilities.

Michigan Compiled Laws, Chapter 257. Motor Vehicles § 257.38a provides:

Sec. 38a. "Park model trailer" means a vehicle that meets all of the following:

- (a) Is built on a single chassis, mounted on wheels, and designed to be towed by a motor vehicle from time to time.
- (b) Depending on its size, may require a special highway movement permit under section 719a 1 to be towed on a street or highway.
- (c) Is designed to provide recreational, seasonal, or temporary living quarters.
- (d) When used as recreational, seasonal, or temporary living quarters, may be connected to utilities necessary for the operation of installed fixtures and appliances.
- (e) Is not a mobile home as that term is defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

→ what do these terms mean? They have no common meanings.

- a. Customers ordering from a normally provided with an individual menu are served their food and beverage by a restaurant employee inside or outside, at the same table or counter at which food and beverage are consumed; or
- b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building;
- c. Take-out, take away operations, whether food is consumed on or off-site;
- d. **Mobile catering operations, food trucks, mobile food operations, and restaurant "pop-ups" and start-ups.**
- e. A drive-through window where food and/or beverages are served to patrons in motor vehicles.

The term "Restaurant" shall not be interpreted to mean or include a "food truck" or mobile food operation.

Retail Store - A store, market or shop in which commodities are sold, or offered for sale to the retail trade.

River - as used in this ordinance refers to the definition of rivers, streams, creeks, drains, channels, etc. found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended.

Riverfront Setback Line - the minimum required principal structure setback from the ordinary high water mark.

Road - Any public or semi-public thoroughfare, except alleys, in the Leelanau County, Centerville Township road system, including Federal and State highways and County roads.

Roadside Stands - Shall mean any accessory structure or building, but expressly prohibits vehicles, located along the roadway, (Section 9.4 Roadside Stand - Agricultural District) , used or intended to be used solely for the purpose of the sale of seasonal farm products, situated upon or adjacent to lands used for farming in conjunction with a single family farm residence.

Rotor diameter - The diameter of the circle swept by the rotating blades.

Security Lighting - Fixtures and/or practices intended to discourage, or make visible, intrusions on the premises.

Sensitive Areas - Sleeping Bear Dunes National Lakeshore, or an identified habitat for threatened or endangered species, or other designated areas, including those with important natural resources, as identified by Centerville Township, Leelanau County, state, or federal authorities. Such areas may include, but are not limited to:

- Floodplains and floodways
- **Lakeshores, lakes, rivers and streams**
- **Wetlands**
- ~~Environmental areas, such as wetlands and migration routes~~
- High risk erosion areas
- Critical sand dunes
- **Priority Threatened and endangered species critical habitat areas (if any, i.e., listed by the U.S. Fish and Wildlife Service Michigan Natural Features Inventory)**
- State/federal/county/Township-owned lands
- ~~Known water well locations from District Health Department~~

↳ Perhaps consider "temporary food service business."

Split - One or more parcels that result from a land division as defined by the Michigan Land Division Act, P.A. 591 of 1994, as amended (1967 PA 288, MCL 560.101, et seq.).

Stable, Commercial - A land use where animals such as horses are bred, reared, trained, ridden and/or boarded for remuneration.

Stable, Private - A land use where animals such as horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

Steep Slopes - slopes on land of eighteen (18%) percent or greater.

Stream bank - the line between upland and bottomland that persists through successive changes in water levels within rivers, streams, creeks, drains and similar waterways below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Street - a public thoroughfare which affords a principal means of access to abutting property.

Structure - anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground.

Structure, Principal - Structures primarily intended for or directly related to human occupation, including dwellings, attached garages, attached decks and other attached structures, parking areas, and water and septic structures, if any. Principal structures do not include detached garages, pole barns and other detached structures such as detached decks, patios, gazebos, walkways, boardwalks, boat hoists, docks, etc. or other accessory structures not primarily intended for dwelling.

Substantial Construction - a continuous on-site physical construction program that has progressed to a point where 25% or more of a total project is completed within one (1) calendar year, or where 25% or more of the total cost of the project has been expended for materials which are at the site.

Total Height Small Wind Energy Conversion System (WECS) - The vertical distance from the average grade at the base of the small WECS tower or building (for building-mounted WECS) to the top of the small WECS blade when the tip is at its highest point.

Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes or commercial WECS, including self-supporting lattice towers, guyed towers, monopole towers, or poles. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Trailer Homes - Any RV, house trailer, park model, or camper trailer, or similar unit used or so constructed as to permit it to be used as a seasonal or vacation type home for sleeping or housekeeping by one (1) or more persons.

Trailer Parks - Any size lot, field, tract or parcel of land upon which four (4) or more occupied trailer homes are harbored either free of charge or for revenue purposes, as licensed by the Michigan Department of Community Health, having such required accessory buildings as central shower and toilet facilities, central laundry and utility building, also recreational facilities such as

recreational vehicle,

different than a recreational vehicle?

included in definition of recreational vehicle

playground areas, etc., all designed and used primarily to serve transient or seasonal type guests in said trailer park.

Use - The purpose for which land or a building thereon is designed, arranged or intended to be occupied or used.

Uses Permitted by Right - Uses permitted by right are the primary uses and structures for which the zoning district has been established. Such uses are allowed without a special use permit.

Variance - A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause practical difficulty owing to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals.

Water Craft - Any ^{boat or other vessel} vehicle capable of being used on or in a body of water.
 [Note: use dictionary definition]

Water's Edge - Shall mean the "ordinary high water mark" as defined in Part 301: Inland Lakes and Streams Act of the Michigan Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, as the margin of a water body and/or legally established lake level. MCL 324.30101 *et seq.*

Wetland - Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh as defined by Part 303: Wetland Protection Act of Michigan's NREPA, P.A. 451 of 1994, as amended, ~~Section 30301(p) of the Act, 1994 PA 451, MCL 324.30301 et seq.(p)~~ and delineated in accordance with the U.S. Army Corps of Engineers' Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012.

Vertical Axis WECS Turbine (VAWT) – A WECS mounted on a WECS tower whose blades rotate around a shaft or similar device that is roughly perpendicular to the surface of the ground.

Wind Energy Conversion Systems (WECS) - "Wind Energy Conversion System" (WECS) shall mean any wind-driven device which converts wind energy into electrical or mechanical energy.

~~Wind Energy Conversion System (WECS) – A commercial wind energy system that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.~~

Wind Energy Conversion System (WECS), Small - A WECS which either has a rated capacity of not more than thirty (30) Kilowatts (kW) and is intended to primarily produce electricity for on-site use, or is designed and used primarily to produce mechanical energy for use on the property where located.

Wind Energy Conversion System (WECS) Tower - The monopole, freestanding, or guyed structure that supports a WECS.

Winery – A state-licensed facility where agricultural fruit production is maintained; juice is processed into wine, brandy wine, mixed wine drink, or wine related beverage; and sold at wholesale or retail to the public with or without the use of a wine tasting facility.

Working Farm – Those operations which are growing agricultural products for sale. These sales must contribute to the farm operator's income. The working nature of the farm must be

9. **Parking:** One (1) parking space shall be provided for each easement grantee lot as defined herein. All driveway and parking areas shall be located within the easement to water lot, and shall not exceed fifteen percent (15%) of the area of the easement to water lot.

10. **Water frontage separation:** An easement to water lot shall be located no closer than one thousand-five hundred (1,500) feet from any other easement to water lot with frontage on South Lake Leelanau.

11. **Easement to water lots shall meet the requirements of Section XXX: Waterfront Overlay of this Ordinance.**

12. **Restrictions:** Easements to water which provide access to lakes other than South Lake Leelanau shall not be permitted.

Section 3.9 Docks, Moorings and Boats

Unless otherwise specifically provided for in the ordinance, the following shall apply:

- A. ~~On in and lake properties, docks shall be limited to one seasonal dock per one hundred (100') feet of lake lot width, or fifty (50') feet lot which has been grandfathered in. Each legally created lakefront lot shall be entitled to one (1) seasonal dock, one (1) mooring, and one (1) boat hoist/shore station or similar structure. A minimum of two (200) hundred feet of frontage is required for a second dock. Each additional dock or boat hoist/shore station shall require an additional one (100) hundred feet of water frontage.~~
- B. On in-land lakes, no more than ~~two (2) three~~ motor-boats and ~~four (4) ten (10)~~ watercraft other than motor boats shall be allowed per 100' of lot width, or per lot if the lot is less than 100' in width and grand-fathered in. No more boats **and watercraft** than this may be stored on hoists, beached, moored, docked, or anchored; no more than one (1) motorboat and one (1) watercraft other than a motorboat shall be allowed for each additional ~~25' fifty (50) feet~~ of lot width on hoists, beached, moored, docked, or anchored. No person may be allowed to rent slippage or mooring rights ~~unless that person possesses a commercial marina permit.~~ *
- C. ~~One (1) swimming/diving raft, floating platform, floating trampoline or similar apparatus is allowed per legal waterfront lot. A minimum of two-hundred (200) feet of water frontage is required for a second raft, floating platform, flaring trampoline or similar apparatus. Each additional raft, floating platform, flooring trampoline or similar apparatus shall require an additional one hundred (100) feet of water frontage.~~
- D. All waterfront parcels are required to utilize underground utilities within one hundred (100) feet of the waterfront.
- E. Shoreline alterations to riparian properties for on site boat launching and/or development of launch sites for multiple party use, private or commercial, is prohibited.
- F. Docks may only extend lakeward to achieve a three (3) foot maximum water depth, as measured during the summer elevation of S. Lake Leelanau.

Section 3.10 Maximum Height

In order to preserve the pastoral character of the area, no building or structure or any part thereof shall be constructed having a height greater than ~~thirty-two (32) forty (40)~~ feet or 2.5 stories. This does not include antenna systems or communications towers that might require a greater height

* No longer required or applicable in MII;
EGLE only issues "marina construction permits."

Recreational Vehicle

Tent campsites are typically 10' x 30' (300 sq. ft.) with space for a standard SUV or car.

RV campsites are typically 25' x 40' (1,000 sq. ft.), with space for one (1) ~~RV~~ ~~OR~~ a ~~car~~ and a tow vehicle (i.e., no additional cars ~~or trucks~~).

Glamping campsites are typically 20' x 40' (800 sq. ft.) with space for a standard SUV or car.

B. Small non-agriculturally related events meeting the following:

1. Under 100 people and no more than 2 events per month with a total of no more than 6 per year.
2. Twenty (20) or fewer people per event.
3. One (1) on-site event per month and no more than three (3) events per year shall occur under this Section.
3. Subject to notification to the Zoning Administrator at least fourteen (14) ~~seven (7)~~ days in advance of the event, and the event must comply with the applicable requirements in Section 3.20.3 4.24.3 (i.e., parking, noise, etc.)
4. Shall otherwise comply with Section 9.4.9: Events - Wineries, Meaderies, Distilleries and Cideries of this Zoning Ordinance.

[Note: a defined term, by use of "or" an ambiguity is created]

****PC note for comparison from Leelanau Township Zoning Ordinance, Special Land Uses, Section 4.4:

Civic Events subject to the following conditions:

1. Civic events shall not be conducted more than 3 calendar days in a 30-day period.
2. The civic event shall not involve overnight sleeping accommodations for participants or spectators.
3. The hours of operation shall be confined between the hours of 10:00 a.m. and 10:00 p.m.
4. Adequate area shall be provided on site to accommodate off-street parking needs. The number of such parking spaces shall be determined by the Planning Commission based upon the maximum peak attendance anticipated by the event sponsor. The parking area shall be designed and sited to mitigate potential nuisance effects on adjacent property owners.

Private Events subject to the following conditions:

1. The private event shall be a use accessory to an established, legally conforming principal use.
2. Private events shall not be conducted more than 3 calendar days in any 30-day period.
3. The private event shall not involve the overnight sleeping accommodations for event patrons.
4. The hours of operation shall be confined between the hours of 10:00 a.m. and 10:00 p.m.

Agriculture-related Enterprise Promotional Events, subject to the following conditions:

When adjunct food service is provided, the events shall be limited to 3 days per week and comprise no more than 150 persons each. Activities such as small group demonstrations, tours, and workshops are exempt from this limitation. For purpose of this Section, small groups are defined as less than 30 persons on site at one time. The

ARTICLE XII PROHIBITED USES

Section 12.1 Any Obnoxious Uses

No building or structure or any part thereof shall be erected, altered or used or land or premises used in whole or in part, for any of the following uses in any District under this Ordinance: any process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration which shall make it obnoxious to the public interest, health, or welfare.

Section 12.2 Specific Provision for Use

No building or structure or any part thereof, shall be erected, altered or used, or land or premises used in whole or in part for any use in any District which is not specifically permitted in such District by the terms of this Ordinance.

Section 12.3 Principal Building Required Before Accessory Building(s)

No accessory building, or any part thereof, shall be erected prior to the construction of a permitted principal structure in any District.

Section 12.4 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, tires and junk outside of properly authorized buildings within said Districts, except as follows:

- A. As required for the display of used merchandise normal to the operation of a marina.
- B. As normal to the operation of a used car lot.
- C. As provided for in Article VIII, Section 8.4, Yard Storage of this Ordinance.
- D. As required for the storage of usable farm machinery necessary to the various uses of land permitted in the Agricultural District.

Section 12.5 Marinas

New and expanded marinas are prohibited (~~amendment dated mm/dd/yr.~~)

Section 12.6 Seawalls

New seawalls, jetties, solid wood or metal breakwater walls and similar structures are prohibited (amendment dated mm/dd/yr). This prohibition does not include rip rap revetments, biotechnical shoreline stabilization systems, and combinations of the two.

or replacement or reconstructed

Note: all provisions of this Ordinance will have an effective date. By using this date reference is something different intended? If not, this creates an ambiguity]

This term is not defined and the role of the Township Planner is not provided
Planning Commission or amendments to existing plans which are processed pursuant to the requirements in M of this Section.

2. **Additionally, the Zoning Administrator and/or Township Planner** ~~Planning Commission~~ may review and approve the following site plans:
 - a. Accessory uses incidental to a conforming existing use where said use does not require any variance and where said site plan conforms with all the requirements of this Ordinance.
 - b. Expansion and/or addition to an existing conforming use where said site plan conforms with all the requirements of this Ordinance and does not increase the size of the existing use or structure more than ten percent (10%) of the present size.
 - c. Accessory storage buildings in all Zoning Districts.
 - d. Increases in off-street parking areas, parking buildings and/or structures, increases in loading/unloading spaces in commercial and industrial Zoning Districts, and landscape development as required by this Ordinance.
 - e. For those conditional land uses so specifically identified in this Ordinance.
 - f. Amendments to approved site plans.
 - g. Final site plans.
 3. The Planning Commission shall apply all applicable standards and procedures of this Ordinance in approving, conditionally approving or denying site plans.
 4. Data submittal requirements shall be as specified in F(f). below.
- F. Distribution of Required Copies and Action Alternatives.

Where Site Plan Review is required by this Ordinance, an applicant for Site Plan Approval shall complete and submit copies of an Application for Site Plan Approval, site plans, and other information where applicable, as set forth below.

1. The Application for Site Plan Approval must be obtained from the Planning Commission. The applicant is asked to keep one copy for his/her records. The applicant shall return the original and six (6) copies of the application and seven (7) copies of the Site Plan to the Planning Commission at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission for the purpose of preliminary site plan review.
2. The entire application (including Application for Site Plan Review and Site Plan) must be distributed as follows:
 - Original and six (6) copies returned to the Planning Commission
 - Copies to the Road Commission per their requirements
 - Copies to the Health Department, per their requirements
 - Copies to the Drain Commission, per their requirements
 - Copies to the Cedar Area Fire & Rescue Department, per their requirements
 - Copies, to the Leelanau County Department of Building Safety, per their requirements

ARTICLE XVII WATERFRONT OVERLAY DISTRICT

17.1 Purpose

This Article is enacted to protect water quality within Centerville Township, prevent soil erosion and sedimentation into waters, and to promote the scenic character and protect property values of waterfront parcels. This overlay district encompasses all parcels any portion of which exists within one-hundred feet of the shoreline of Lake Leelanau and the banks of all natural and built watercourses such as channels, drains, rivers, creeks and streams within Centerville Township.

17.2 Waterfront Areas Regulated

or other applicable laws or regulations.

- a. The requirements of this Article are supplemental to those imposed on waterfront lands by any underlying zoning provisions of this ordinance or other ordinances of Centerville Township. These regulations supersede all conflicting regulations of the underlying zoning district(s) to the extent of such conflict, and no more.
- b. Every lot and parcel of land physically abutting along an inland lake or stream, lying between the ordinary high water mark and a line one-hundred (100) feet horizontal from and perpendicular to the ordinary high water mark or an inland lake or stream bank as shown on the official Centerville Township Zoning Map, is subject to this overlay district. This line shall be known as the waterfront overlay line. In addition, the provisions of Section 6.4b below concerning natural vegetation strips, apply to all waterfronts within Centerville Township, even if not depicted on the Centerville Township Zoning Map.
- c. 100-year Flood Plain. No principal structure shall be constructed within the 100-year floodway. Any permitted structures within the 100-year flood plain shall be constructed in a manner that allows for the free flow through of water, complies with all state and/or federal regulations, and compensates for flood plain losses, if any.
- d. Lots of record ~~after the effective date of this Article~~ shall conform to waterfront setbacks established in this Section.

would this exclude undeveloped existing lots from coverage? Or is it intended to mean all lots? If

17.3 Development Standards

a. Waterfront/Front Yard Setback

- 1. No principal structure, accessory building or parking area, shall be erected closer than seventy-five (75) feet from the ordinary high water mark of a water body or stream bank, except on nonconforming lots of record.
- 2. Waterfront setbacks on lots of record on or before the effective date of the Article within the Centerville Township Zoning Ordinance may be reduced by averaging the setback from the ordinary high water mark to principal structures on the two closest developed lots on either side of the subject parcel property lines. The minimum front yard setback shall be no less than fifty (50) feet.

the latter delete "of record after the effective date of ordinance"

3. Compost piles, manures/fertilizers, livestock, small animal pens and other nutrient sources; solid waste, garbage, trash, discarded appliances, motor vehicles (not including ~~motorized boats~~ ^{watercraft}), and other unsightly or potentially polluting materials shall not be placed within the waterfront setback.
4. The waterfront portion of shoreline parcels within Centerville Township shall be considered the front yard pursuant to the Centerville Township Zoning Ordinance.
5. Roadways **and driveways**, except as may be required to provide access to a boat ramp, are prohibited within the waterfront setback area.

b. Natural Vegetative Strip

1. To minimize erosion, stabilize waterfronts, protect water quality, keep nutrients from entering waters, maintain water temperature at natural levels, preserve fish and wildlife habitat, ~~screen~~ artificial structures, protect property values, and also to preserve the scenic values of waterfront areas, a natural vegetation strip shall be maintained on each parcel or lot between the ordinary high water mark and a buffer line, each point of which is fifty (50) feet horizontal from and perpendicular to the ordinary high water mark of a waterbody or stream banks.
2. Existing vegetation shading water surfaces shall be preserved to the maximum extent possible.
3. Existing natural ground cover and native vegetation shall be preserved to the fullest extent feasible, and where removed shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion, preserving property values, and protecting community scenic values. Natural vegetation buffer shall be fenced with silt fence and construction barrier fencing prior to grading or other on-site construction activities. This protective fencing shall be maintained until the completion of construction.
4. All exterior lights shall be shielded, downward directed, and below tree level as measured from post-construction grade. Dock and accessory building/structure lighting of any type is prohibited.
5. Within the natural vegetation strip, a **sum total of no more than thirty (30%)** percent of existing trees and shrubs may be selectively pruned or removed to enhance a filtered or corridor view of the water from the principal structure and for reasonable private riparian access to the water. A corridor view shall be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structure features intended to enjoy and utilize a water view. Said pruning and removal activities shall ensure that a live root system stays intact to provide for waterfront bank stabilization and erosion control. Tree-topping and clear cutting within the natural vegetation buffer is prohibited.
6. A maximum of one (1) shoreline access pathway, including pathway portions constructed as stairways and boardwalks, shall be allowed per parcel or lot within the waterfront setback and through the natural vegetation strip to the water's edge. The improved surface of such pathways shall consist of porous pavement, wood chips, mulch or other natural materials. Said pathways are

"impervious surfaces" is already defined. IS something different intended by the "such as" phrase?

e. **Waterfront Lot Width**

Waterfront lots must provide a minimum straight-line width of one (100) hundred feet between side lot lines, as measured at the side lot lines' points of intersection with the Ordinary High Water mark (OHWM) of a water body or the bank of a watercourse.

f. **Impervious Surface**

The maximum percentage of lot coverage a lot within the waterfront overlay district with impervious surfaces such as roofs, structures, asphalt, concrete, etc. shall be twenty-five (25) percent.

g. **Innovative Stormwater**

Stormwater flow from lots within the waterfront overlay district shall be directed to the non-lakeward side of any principle structure, **shall not discharge to surface waters or wetlands**, be treated/disposed of on-site, not leave the subject parcel above pre-development rates, and shall utilize innovate stormwater treatment methods such as rain gardens, groundwater infiltration structures and/or constructed wetlands.

h. **Additional Standards**

1. ~~Each legally created lakefront lot shall be entitled to one (1) seasonal dock, one (1) mooring, and one (1) boat hoist/shore station or similar structure. A minimum of two (200) hundred feet of frontage is required for a second dock. Each additional dock or boat hoist/shore station shall require an additional one (100) hundred feet of water frontage.~~
2. ~~**Docks may only extend lakeward to achieve a three (3) foot maximum water depth, as measured during the summer elevation of S. Lake Leelanau.**~~
3. ~~Not more than two (2) motor-powered watercraft shall be docked at any single dock at any time.~~
4. ~~One swimming/diving raft, water trampoline, water pad, floating mat or similar apparatus is allowed per legally created waterfront lot. A minimum of two (200) hundred feet of water frontage is required for a second raft or similar apparatus. Each additional raft or similar apparatus shall require an additional one (100) hundred feet of water frontage.~~
5. ~~All waterfront parcels are required to utilize underground utilities.~~

=====

Comment from Neil Dziedzic (July 11, 2024 meeting)

On Fri, Jul 12, 2024 at 7:10 PM Susan Dziedzic <844dziedzic@gmail.com> wrote:

Lindy,

Over the past couple of years we have been sending correspondences to Mr. Tim Cypher regarding violations of our ordinances regarding noise from the local Belago Winery. It is witnessed in the revision the township is supporting changes regarding issues with the campground and lake concerns. We would like to see additional strength be placed on protection from neighbors from wineries. It is recognized that language was installed for Ag Tourism, but the same effort should be placed in the wineries as it is unclear how they are determined when their property is a 'farm' and a 'winery'. It is hard to determine which aspect they will state as a defense as well as the Zoning Administrators position. You and your teams work is greatly appreciated and thank you for tackling the issues we are witnessing.

We have made suggestions for changes to the ordinances regarding the noise issues is being addressed in the current revision of the ordinance.

I have copied the issues that should be addressed.

Thank you,

Neil

Section 2.2:

1. Noise, which is unwanted. Again we have no issue with them playing music, just not amplified music.
2. Non-Compliance, as far as we have knowledge, they do not have a permit for this performance.

Section 3.20

Section XII to include 12.1, 12.2

1. Section 2.2 **Noise** -Any sound that would be unwanted by a reasonable person.
 1. The 'noise' we are complaining about is the amplification of the music, we had no problem when Bel-Lago entertained their customers with non-amplified music. This year they built a stage which covers the musicians as well as their amplification equipment. The direction of the speakers points directly out towards the road and hence sends its sound waves down towards us and our property. Mind you, where the attached video was taken, is approximately 300 yards from this music stand. Granted our properties lines are less than 100 feet from each other.

2. Again, to resolve this, ensure that no amplified sound is permitted.
2. Section 2.2 **Special Land Uses Permitted by Special Approval** - Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, *but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing and Site Plan approval by the Planning Commission.*
 1. Italicized is the section we are concerned with, the level of amplified noise generated is unacceptable and should be considered non compliant with the Special Use Permit needed to use a winery (section 9.6) as a special event center. As they have met the definition of a 'winery', the use of amplified music is outside the definition of winery and violates the other definition of **Uses Permitted by Right** which would demand a revision of their Special Land Uses Permit (SLUP).
3. Section 3.19 **Commercial Wind Energy Systems**
 1. During our last meeting you asked that I send in a complaint form regarding this amplified music, I did send an email requesting the form and did not receive a response, not sure why? When I was at the last township meeting Mr. Schwantes read the complaint log and it did not have any reference to our concern so the information of the noise issue was provided. Since that meeting I have read our township ordinance again (3.19.4.14) and the complaint form you mentioned is not part of any other ordinance section except which is a complaint for wind energy systems and all the measurement data surround decibel levels are not witnessed anywhere else in the ordinance. To this end, we cannot accept the data that is applicable to section 3.19 as it is not applicable to any other section of our ordinance. Our complaint is about the definition of Noise per section 2.2, the noise is simply unwanted because of its amplification and not of noise generated by Wind Energy Systems.
4. Section 3.20 **Agriculture Tourism** (this section is referenced because they are zoned Agriculture per zoning map on our townships web page dated 2-23-20)
 1. The way Bel-Lago is operated meets the definition of this section and as such they are in violation of section 3.20.3.A.9. Due to the violation of this step, their SLUP (as required by section 9.1.B.4 needs to be revisited and revised to remove amplified sound from emitting across their property into an R-1 neighborhood
 2. It is asked that section 3.20.2 is reviewed. As they are Considered Agriculture Tourism, how is their entertainment able to exceed 3.20.2.A and 3.20.2.B?
5. Section 9.6 **Wineries, Meaderies and Cideries**
 1. This section 9.6.9.a-d does not provide for the control of noise emanating from any winery. While the noise should be covered by section 3.20 for Agriculture Tourism and/or per 9.1.B.4 of this section. It is simply not excusable to allow for the generation of amplified noise to be heard this far from their intended audience.
6. Section 12.1 **Any Obnoxious Uses**
 1. As described in the ordinance- "No building or structure or any part thereof shall be erected, altered or used or land or premises used in whole or in part, for any of the

following uses in any District under this Ordinance: any process or activity resulting in the emission of odor, fumes, dust, smoke, waste, **noise** or vibration which shall make it obnoxious to the public interest, health, or welfare.”, we are submitting that the use of amplified music is causing an Obnoxious Use of their permitted district (Agriculture).