

EAST BAY CHARTER TOWNSHIP

Zoning Ordinance



OFFICE OF PLANNING AND ZONING
1965 N. THREE MILE ROAD
TRAVERSE CITY, MI 49696

Effective Date: May 22, 2003
Amended Through: February 10, 2020

EAST BAY TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN

ZONING ORDINANCE

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East Bay Township Offices
Office of Planning and Zoning

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EAST BAY TOWNSHIP ZONING ORDINANCE

The Charter Township of East Bay Ordains:

EAST BAY TOWNSHIP ZONING ORDINANCE

An ordinance to establish zoning districts and regulations governing the unincorporated portions of the Township of East Bay, County of Grand Traverse and State of Michigan in accordance with the provisions of Act 110 of the Public Acts of 2006 as amended; to define certain terms used herein; to provide for regulations governing nonconforming uses and structures; to establish a Zoning Board of Appeals and define its duties and powers; to provide for the administration and enforcement of this Ordinance and to provide penalties for the violation of this Ordinance. (Revised 4/6/07)

ARTICLE I

PREAMBLE

SECTION 100 SHORT TITLE

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

SECTION 101 PURPOSE

The fundamental purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands and natural resources in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; to reduce hazard to life and property; to establish the location and size of, and the specific uses for which structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such structures; to lessen congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate water supply and other public requirements; to conserve life, property and natural resources, and the expenditure of funds for public improvements and services; to conform with the most advantageous uses of land, resources and properties.

ARTICLE II

GENERAL PROVISIONS

SECTION 200 SCOPE

The use of all land and structures and the construction, reconstruction, alteration, repair and moving of all structures within this Township shall conform with all applicable provisions of this Ordinance unless the nonconformance is a matter of record on the effective date of this Ordinance.

SECTION 201 NONCONFORMANCE

Any lawful use of land or structures existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof, but no such use shall be enlarged or extended except as provided herein. The extension of a nonconforming use throughout a structure existing at the effective date of this Ordinance may be permitted by the Zoning Board of Appeals as provided in Article X. A lawful nonconforming use may, with the approval of the Zoning Board of Appeals, be changed to a less objectionable or more restricted nonconforming use as provided in Article X. If the nonconforming use of any land or structure is discontinued for a continuous period of 365 days, no further nonconforming use shall be allowed. This section shall not be interpreted to require the moving of a building to comply with yard requirements. Any nonconforming use or uses of the land or structures discontinued or abandoned in part or entirely for more than 365 days shall be considered discontinued. Further, resumption of a discontinued use shall be considered an extension or enlargement, which shall require approval from the Zoning Board of Appeals. For the purposes of this paragraph, the term "discontinued" shall mean "abandoned". Also, that the act of discontinuing a use in whole or in part shall mean that there must be a clear act of intent or omission on the part of the owner, which clearly shows a voluntary decision to abandon.

SECTION 202 REPAIR, IMPROVEMENT, AND COMPLETION OF NONCONFORMING STRUCTURES

Nonconforming structures may be repaired or improved. Nothing in this Ordinance shall require any change in the erection or use of a building, the construction of which shall have been diligently prosecuted preceding the effective date of this Ordinance.

SECTION 203 RESTORATION AND USE OF DAMAGED NONCONFORMING BUILDINGS

Nothing in this Ordinance shall prevent the reconstruction or repair and resumption of use of a nonconforming building damaged by fire, collapse, explosion, acts of God or of the public enemy. The reconstruction or repair shall be completed within 275 days following the issuance of a permit for the work.

SECTION 204 ESSENTIAL SERVICE FACILITIES (Revised 6/8/09)

1. **INTENT:** It is the intent of this Zoning Ordinance to permit routine essential service facilities in any zoning district because routine essential service facilities are likely to have a minimal adverse impact on surrounding properties. Major Essential Service Facilities are those utility-type public service facilities which, because of their size or nature, are more likely to have an adverse impact on surrounding properties. Depending on their size, nature, and potential adverse impact on surrounding properties, Major Essential Service Facilities may be allowed in any zoning district, except the Boardman River District and the Forest Lakes Overlay as defined in Section 231, and subject to the provisions of this Ordinance. All Major Essential Services Facilities shall be subject to site plan and Special Land Use review in accordance with Article VI of this Ordinance.

2. **RELATIONSHIP TO FRANCHISE:** Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan, or in any ordinance of the Township. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this Zoning Ordinance, wherever such conformity shall not conflict with the specific requirements of such franchise, state legislation, or Township Ordinance. In the absence of any conflict, the Zoning Ordinance shall prevail.

3. **ROUTINE ESSENTIAL SERVICES FACILITIES:** The following are considered routine essential service facilities and are permitted in all zoning districts:
 - a. Underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone, and cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided that are designed to serve primarily East Bay Township and any adjacent community, subject to any franchise agreement with the Township.
 - b. Above ground utility facilities and equipment buildings or cabinets that occupy no more than 200 square feet and are no more than twelve (12) feet in height.
 - c. Overhead pole-mounted electrical, telephone, cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided designed to primarily serve East Bay Township and any adjacent community, subject to any franchise agreement with the Township, and providing the height above grade of such facilities does not exceed fifty (50) feet. With new developments, utility easements will be approved as part of a subdivision plat, condominium, or site plan.
 - d. Any other facilities similar in scale and scope to the above, as determined by the Zoning Administrator, shall be considered routine essential service facilities.
 - e. Essential Service Facilities other than those described in subparagraphs a through d of this section shall be considered Major Essential Service Facilities, subject to the provisions of Section 628.

4. ROUTINE ESSENTIAL SERVICE FACILITIES REVIEW AND APPROVAL: Installation of new Routine Essential Service Facilities shall be subject to review and approval of the Zoning Administrator and issuance of a Land Use Permit pursuant to Section 803. Replacement facilities and regular maintenance shall not require issuance of a new land use permit.

SECTION 205 ACCESSORY BUILDINGS (Revised 1/22/18)

1. All accessory buildings as defined in Article XIV, shall meet the yard, setback and building height requirements of this Zoning Ordinance.
2. An accessory building may not be used for residential purposes, such as sleeping quarters, unless first approved as an accessory dwelling unit by the Zoning Administrator pursuant to the provisions of section 234.
3. Except in the Agriculture (AG) district, an accessory building shall not be constructed prior to the construction of the principal structure. Provided, however, that the Zoning Administrator shall be permitted to issue a temporary use permit for an Accessory Building to be used for up to one (1) year prior to the construction of the principal building. As a condition of issuing a temporary use permit for an accessory building, the Zoning Administrator shall be authorized to require a satisfactory surety in an amount of up to \$5,000 to be held by the Township and to be used to remove the accessory building in the event the applicant shall fail to complete the construction of the principal building or to remove the accessory building prior to the expiration of the permit. Such surety shall be in the form of cash, bank check, letter of credit, performance bond or other surety acceptable to the Township Attorney. Upon completion of the construction of the principal building or removal of the accessory building by the applicant in the event the principal building is not constructed, the surety will be returned to the applicant. In the event the surety is employed by the Township to remove the accessory building as set forth herein, any amount remaining after completion of such removal, shall be returned to the applicant along with an accounting of all amounts disbursed. **(Revised 1/22/16)**
4. If an Accessory Building is attached to a Principal Building by either a common foundation, common wall or common roof element, it shall be deemed to be a part of the Principal Structure and the entire structure shall comply with the terms of this Zoning Ordinance.
5. In residential areas, the storage of not more than one (1) commercial vehicle is permitted in an accessory building.
6. Application procedures and review and approval standards for Accessory Buildings shall be governed in accordance with the following Table: **(Revised 1/22/16)**

ACCESSORY BUILDING REVIEW AND APPROVAL AUTHORITY (*see Notes)

Zoning District	Parcel Area	Minor Accessory Buildings	Accessory Building Ground Floor Area		
			Less than or equal to principal bldg.	Up to 150% of principal bldg.	More than 150% of principal bldg.
LDR	Less than 40,000 sq. ft.	N.P.	Z.A.	P.C.	P.C.
	40,000 + sq. ft.			Z.A.	
MDR	Less than 40,000 sq. ft.	N.P.	Z.A.	P.C.	P.C.
	40,000 + sq. ft.			Z.A.	
HDR	Less than 40,000 sq. ft. 40,000 + sq. ft.	N.P.	Z.A.	P.C.	P.C.
MHC	Less than 40,000 sq. ft. 40,000 + sq. ft.	N.P.	Z.A.	P.C.	P.C.
RR	40,000 + sq. ft.	N.P.	Z.A.	Z.A.	P.C.
LA	Less than 40,000 sq. ft. 40,000 + sq. ft.	N.P.	Z.A.	P.C.	P.C.
BR	40,000 + sq. ft.	N.P.	Z.A.	Z.A.	P.C.
NA	5 acres	N.P.	Z.A.	Z.A.	P.C.
EBC	7,200 sq. ft.	N.P.	Z.A.	P.C.	P.C.
LB	Less than 40,000 sq. ft.	N.P.	Z.A.	P.C.	P.C.
	40,000 + sq. ft.			Z.A.	
RB	20,000 sq. ft.	N.P.	Z.A.	P.C.	P.C.
PO	20,000 sq. ft.	N.P.	Z.A.	P.C.	P.C.
IND	40,000 + sq. ft.	N.P.	Z.A.	Z.A.	P.C.
AG	40,000 + sq. ft.	N.P.	Z.A.	Z.A.	P.C.

***NOTES:**

N.P. No permit required. Minor accessory buildings as defined herein shall be allowed without permit, but subject to the requirements of Section 502.

Z. A. Review and Approval by Zoning Administrator. Accessory buildings with a ground floor area less than or equal to the ground floor area of the principal building on parcels of less than 40,000 square feet, or up to 150% of the ground floor area of the principal building on parcels of 40,000 square feet or more, shall be permitted by right, subject to approval by the Zoning Administrator in accord with Sections 502 and 803.

P.C. In all other situations not addressed above, accessory buildings shall be treated as special land uses, subject to review by the Planning Commission in accord with Section 603.

- Where the provisions of this Section 205 authorize the Zoning Administrator to review applications for accessory buildings that will exceed the floor area of the principal building, in addition to the requirements of Sections 502 and 803, the Zoning Administrator shall find that the proposed accessory building shall be effectively screened by landscaping and/or native vegetation or isolated by distance such that it shall not be inordinately intrusive on neighboring properties.

(Revised 5/5/12)

SECTION 206 TEMPORARY DWELLINGS

No tent, trailer, camper, motor home or other temporary structure shall be used as a dwelling unit except the following:

1. Temporary structures may be used to house itinerant farm laborers during the normal harvest season.
2. Temporary structures may be used to house campers at an organized recreational camp approved by the Grand Traverse County District Health Department.

SECTION 207 MANUFACTURED HOUSING

Manufactured Housing shall be used as dwellings only as follows:

1. When located within a mobile home park which complies with this Ordinance and is approved by the Michigan Manufactured Housing Commission.
2. **MANUFACTURED HOUSING REGULATIONS:** A manufactured home may be permanently located on a lot as a single family dwelling in districts where permitted provided the following qualifying conditions are complied with:
 - a. Each manufactured home shall bear a label required by section 3282.362(c)(2) of the Federal Mobile Home Procedural and Enforcement Regulations.
 - b. Each manufactured home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission.
 - c. Within ten (10) days following installation all towing mechanism shall be removed from each manufactured home. No manufactured home shall have any exposed undercarriage or chassis.
 - d. Each manufactured home shall have a permanent perimeter wall (rather than skirting) of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
 - e. Yard, lot area, lot width, minimum living space dimension and minimum gross living area conform to the requirements of Article V and VI.

SECTION 208 MANUFACTURED HOUSING COMMUNITIES

All manufactured housing communities shall conform with Act 243 of the Public Acts of 1959, as amended, and, in addition, shall conform with the following requirements:

1. **MANUFACTURED HOUSING COMMUNITY LOCATION:** No community shall be erected less than 300 feet from any dwelling existing at the time the application for a permit is made or from any boundary line of Residential Districts LDR, MDR, HDR.
2. **LAND REQUIREMENTS:** No community shall be erected on less than ten acres of land or with less than 100 feet of frontage on an abutting highway or with less than 100 feet in width at the setback line.

3. SET BACK REQUIREMENTS: A 300 foot setback shall be required from any highway and a 50 foot setback shall be required on all other borders.
4. LOT SIZE: Minimum lot size shall not be less than 50 feet in width when measured perpendicular to side lines and not less than 120 feet in depth when measured perpendicular to the end line.
5. YARD CLEARANCE: Each manufactured home shall be set back at least 25 feet from its front lot line and at least ten feet from its side lot line and at least 15 feet from its rear yard lot line.

SECTION 209 SHORT TERM RENTALS (Revised 6/11/2018)

It is hereby declared to be a use by right in any zoning district for a dwelling unit to be rented, or allowed to be rented, to another person for less than 30 days at a time, provided the owner of the dwelling unit or the owner's authorized agent first obtains a license for that dwelling unit under the East Bay Charter Township Short-term Rental Licensing Ordinance.

SECTION 210 OUTDOOR LIGHTING REQUIREMENTS

1. INTENT AND PURPOSE: To maintain safe nighttime driver performance on public roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow", and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plan or plot plans submitted for approval under the terms of this Zoning Ordinance.
2. GENERAL PROVISIONS:
 - a. EXEMPTED AREAS AND TYPES: The following types of outdoor lighting shall not be covered by this Ordinance:
 - 1) Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal light such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.
 - 2) Sign lighting as regulated by Section 215 -Signs.
 - 3) Lighting associated with detached single family housing.
 - b. REGULATED LIGHTING: The following types of lighting shall be regulated by this Ordinance:
 - 1) Parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - 2) Multiple Family Developments including Grouped Housing parking lot lighting and site lighting.
 - 3) Publicly and privately owned roadway lighting.

- 4) Building facade lighting.
 - 5) Other forms of outdoor lighting which, in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.
 - 6) All forms of neon lighting
- c. STANDARDS: Lighting shall be designed and constructed in such as manner to:
- 1) Insure that direct or directly reflected light is confined to the development site.
 - 2) Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
 - 3) The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.
 - 4) Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane (see Figure 2.1). No light fixture shall be mounted higher than twenty (20) feet above the average grade of the site.
 - 5) Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
 - 6) There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.
 - 7) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

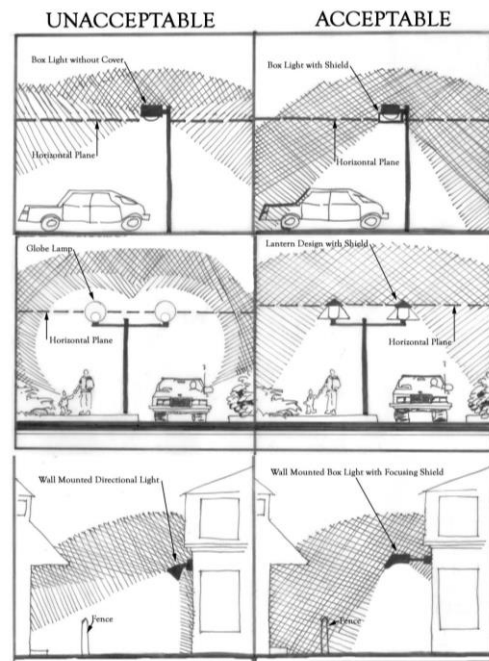


Figure 2.1 Lamp and Luminary Illustration

SECTION 211 SANITARY STANDARDS

All structures and land uses shall comply with the sanitary standards as set by the Grand Traverse County Health Department or the Department of Public Works, as applicable.

SECTION 212 PROHIBITED USES

1. **SPECIFIC PROVISION FOR USE:** No building or structure or part thereof shall be erected, altered, or used, or land 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.
2. **OUTDOOR STORAGE:** No land in any of the districts shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of inoperative cars or trucks, or any salvage, waste or junk, in violation of the East Bay Charter Township Ordinance No. 2005-4, Junk Ordinance.
(Revised 5/18/10)
3. **DUMPING PROHIBITED:** No land in any of the districts shall be used in whole or in part for the dumping, filling or disposal of any inert materials, which may include (but not be limited to) trees, brush, stumps, broken concrete, building materials, shingles, treated wood, garbage, or similar materials

SECTION 213 AIRPORT HAZARD ZONE

Notwithstanding any other provisions this Ordinance, no area of land and/or water or appurtenances thereof shall be so used as to constitute an airport hazard.

SECTION 214 STORM WATER DETENTION

1. When any land in the township is developed or altered in any way which affects storm water runoff, the owner shall develop and submit to the Zoning Administrator a plan for detaining storm water runoff onto adjacent properties including roads and other rights-of-way which shall result in the maximum amount of storm water runoff not exceeding that which existed prior to the development or improvement of property. Approval of such plan shall be required by the Zoning Administrator before a land use permit is issued. The Zoning Administrator shall approve the plan if it meets the foregoing criteria. No contemplated development shall take place until such a plan is approved by the Zoning Administrator. No development shall take place except in conformity with an approved plan.
2. **Supporting Evidence Required:** In all instances in which the Zoning Administrator considers the ability of a proposed use to meet all the requirements of this Section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his application. If such evidence is not presented, the land use permit shall not be issued.
3. **Clean Fill Required.** It shall be unlawful to import onto a parcel of land in the Township any fill material other than clean sand, gravel or topsoil.

SECTION 215 SIGNS (Revised 4/24/11)

INTENT AND PURPOSE: Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the Township of East Bay without difficulty and confusion, to encourage the general

attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this Ordinance to establish regulations governing the display of signs which will:

- ◆ Promote and protect the public health, safety, comfort, morals and convenience;
- ◆ Enhance the economy and the business and industry of the Township by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- ◆ Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
- ◆ Reduce conflict among signs and light and between public and private environmental information systems;
- ◆ Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

1. PROCEDURES:

- a. Sign Permit (Land Use Permit) Application. The Planning Commission or the Zoning Administrator may approve sign permit applications pursuant to Section 803 of this ordinance. Where signs are proposed as part of a Site Plan, the Planning Commission or Zoning Administrator shall review the entire Site Plan, including signage, per Section 820. Where proposed signage is not an element of a broader proposed use requiring site plan approval, the Zoning Administrator may waive the submission of certain materials otherwise required for site plan approval, pursuant to Section 820, and final review and approval of the sign permit shall be the responsibility of the Zoning Administrator.
- b. An illustrated plan shall be provided with a sign permit application. Such plan shall be rendered at a scale determined by the Administrator to be reasonable and shall include the following elements of the proposed or modified signage:
 - 1) Sign type, per the definitions in Section 1420;
 - 2) Dimensional characteristics, such as height, width, vertical clearances, and area;
 - 3) Colors, materials, appearance, and lighting of the signage;
 - 4) Relationship to buildings or structure and location on buildings;
 - 5) Setbacks from buildings, landscaping, driveways, and rights-of-way; and,
 - 6) Locations of any existing signage in the subject development or on the subject parcel. The site plan shall also include proposed and existing signage not requiring a permit.

- c. Upon receipt of an application, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be processed. If the application is incomplete, the Zoning Administrator shall advise the applicant of additional elements required for consideration by the Township.
- d. Within ten (10) business days of receiving a complete application, the Zoning Administrator shall review the application for compliance with this Ordinance. If the application is compliant, the Zoning Administrator shall issue a Land Use Permit to the applicant. If the application is not in compliance, the Zoning Administrator shall advise the applicant and reference the applicant to sections of this Ordinance that need to be addressed.
- e. The Zoning Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.
- f. Inspection and Compliance. The Zoning Inspector shall inspect each new or modified sign for which a permit is issued to determine whether the sign is in full compliance with the Land Use Permit and this Ordinance. If the construction is not in full compliance with this Ordinance, the Zoning Administrator shall give the applicant notice of the deficiencies and order corrective action.
- g. Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where such assignment would result in a sign that is materially or substantially different in any way to the sign which was permitted, as determined by the Zoning Administrator.

2. GENERAL STANDARDS:

- a. Computations. The following standards shall be followed to determine the area and height of a sign.
 - 1) The area of a sign face shall be computed as follows
 - (a) For building-mounted signs, the area of the sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the sign face, as defined herein. Provided that the area of supporting framework, bracing, or decorative fence or wall upon which the sign is mounted shall be included in calculating the area of the sign face, if such feature includes any message or announcement.
 - (b) For free-standing signs, the area of the sign face as defined herein shall be added to the area encompassed by the outer perimeter dimension of the sign structure, but excluding the area of the support structure, framework, bracing or other structure, provided such features include no message or announcement.
 - 2) The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24)

inches apart at any point, the sign area shall be computed by the measurement of one (1) of the faces.

- 3) The height of a sign shall be computed as the distance from the grade of the site, as defined herein, to the top of the highest component of the sign. The Zoning Administrator may require a professional survey to make this determination.
 - b. Where any portion of a sign projects over a public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least eight (8) feet above said walkway.
 - c. The allowed area of all signs on a parcel shall be determined in accord with the standards of this Article.
 - d. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply.
 - e. The amount of permitted signage for multiple-occupant buildings may be apportioned to the building occupants, but such building shall not be entitled to more signage than a similar, single-occupant building in the same district.
 - f. Free standing signs may be located within the required front yard, subject to the requirements of this section.
 - 1) Minimum setback for free standing signs provided in this Article shall be measured from the edge of the street; meaning the back of the curb, if present, or the edge of the pavement or travel surface where no curb is present.
 - 2) Regardless of the permitted setback, under no circumstances shall a free standing sign be located within a public right-of-way.
 - 3) The Zoning Administrator may require a greater setback than permitted in this section where necessary to provide clear vision areas for motorists and pedestrians.
3. PROHIBITED SIGNS: The following signs shall not be allowed in any district.
- a. Off-premise signs as defined herein, except as provided in Subparagraph 215, 4, m, (6), hereof and in Section 607, Billboards. **(Revised 12/12/11)**
 - b. Signs which are obsolete, that do not relate to existing business or products.
 - c. Signs which are not consistent with the standards in this Ordinance.
 - d. Signs, except official traffic signs, located in, projecting into or overhanging within a public right-of-way or dedicated public easement unless with the express permission of the governmental agency having jurisdiction over such right-of-way or easement.
 - e. Pole signs in excess of twenty (20) feet in height.

- f. Beacons.
 - g. Signs made of paper, cardboard or similar material affixed to the exterior of any building, other than real estate signs in the RB, LB, PO and IND districts, not to exceed sixteen (16) square feet in sign face advertising the sale or rental of the premises on which the same is located.
 - h. Signs which are illegal under State laws or regulations and applicable local ordinance or regulations.
 - i. Signs that are not clean and in good repair.
 - j. Signs not securely affixed to a supporting structure.
 - k. Signs that are not official traffic signs which appear to or attempt to regulate, warn or direct the movement of traffic which interfere with or resemble any official traffic sign, signal or device.
4. EXEMPT SIGNS: The following signs shall be exempt from the requirements of this Section.
- a. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
 - b. Name plates and numbers identifying the occupant and locations of dwelling units, not to exceed two (2) square feet.
 - c. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.
 - d. Holiday lights and decorations with no commercial message.
 - e. Works of art that do not contain a commercial message.
 - f. Traffic control signs, incidental signs, or menu boards on private properties that do not contain a commercial message, including Stop, Yield, One Way, and similar signs. Provided that traffic control signs shall not exceed two (2) square feet in area and menu boards shall not exceed twelve (12) square feet in area.
 - g. Governmental historical designation signs.
 - h. Noncommercial flags up to twenty-four (24) square feet in area.
 - i. Free standing for sale and for rent signs on real property, provided such signs do not exceed thirty-two (32) square feet in area in the IND, AG, PO, LB or RB districts, or six (6) square feet in any other district.
 - j. One sign attached to a building or fence not to exceed two (2) square feet in area displaying such messages as "No Trespassing," "Beware of Dog," etc.
 - k. Political election signs with a maximum area of eight (8) square feet, provided such signs shall be temporarily erected not more than four (4) months prior to an election and such signs shall be removed not more than seven (7) days following an election.

- I. Construction signage identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such signage shall be allowed only during the time in which the development is actually under construction and shall not exceed thirty-two (32) square feet in sign face. Such signage shall not be placed closer than four (4) feet from the edge of the right-of-way and shall not exceed ten (10) feet in height.
 - m. Temporary signs, banners and flags shall be allowed under the following conditions:
 - 1) Temporary signs may be in use for one (1) period not to exceed ninety (90) days in any three hundred sixty-five (365) day period,
 - 2) Flags, pennants and banners may be in continuous use for a period not to exceed thirty (30) days in any one hundred twenty (120) day period,
 - 3) All temporary signs shall be securely affixed to permanent structures on the site and shall be located in accordance with the terms of this Section
 - 4) The total combined area of all temporary signs and banners shall not exceed sixteen (16) square feet per street frontage, per use; nor shall more than two (2) temporary signs be permitted per street frontage per use, at any one time.
 - 5) Such signs must be kept in good repair.
 - 6) Off-premise signs temporarily announcing community or charitable events may be placed for periods of not more than ten (10) days prior to the event and shall be removed not more than two (2) days following the event. In all cases, such off-premise signs shall not be placed in the right-of-way and shall not be located so as to obstruct clear vision of drivers or pedestrians.
(Revised 12/12/11)
5. **SIGNS FOR ACCESSORY USES AND BUILDINGS:** Signs advertising accessory uses as regulated by Section 221 of this Zoning Ordinance, or accessory buildings as regulated by Sections 205 or 603, shall meet all requirements of this Section. Provided, however, that such accessory uses or buildings shall not cause an increase in the number of signs or the total permitted signage permitted on any parcel.
6. **ILLUMINATION AND SOUND:** Illuminated signs and signs which emit sound are permitted only as set forth herein.
- a. All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. For the purposes of this section, illumination shall be considered flashing, moving or intermittent if it changes in intensity, luminosity, color or message, or if the message text or image shifts on the sign face, more frequently than once every thirty (30) seconds. This section shall apply to all illuminated signs, including but not limited to, changeable copy signs, electronic message boards, light emitting diode (LED) or liquid crystal display and other video-type display signs, lighted marquee signs, and any other internally or externally lit signs.

- b. Illumination of signs shall be directed or shaded so as not to interfere with adjacent highways or adjacent property and shall not exceed either ten (10) foot candles measured four (4) feet perpendicular to any point on the sign face or one-half (1/2) foot candles measured at any property line.
 - c. Any sign or other outdoor advertising which includes loudspeakers or other sound emitting devices shall be designed such that no sound in excess of 40 decibels shall carry beyond the property line on which the sign is located.
7. CONTINUATION of LEGAL NONCONFORMING SIGNS: A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
- a. Converted to another nonconforming sign by hanging copy;
 - b. Expanded or altered so as to increase the degree of nonconformity of the sign;
 - c. Re-established after its discontinuance for two hundred and seventy-five (275) days;
 - d. Continued in use after cessation or change of the business or activity to which the sign pertains; or
 - e. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent of the appraised replacement cost, as determined by the Zoning Administrator
8. ERECTION OF NEW SIGNS WHERE LEGAL NONCONFORMING SIGNS EXIST:
- a. On lots where an existing sign exceeds the sign area allowed by this Section, and in that respect is a legal nonconforming sign, no new sign, either free standing or building mounted sign shall be erected until such existing legal nonconforming sign is brought into compliance with this Section.
 - b. When a use or parcel that includes legal nonconforming signs is subject to Site Plan Review under Section 820, all signs and sign structures shall be brought into compliance with this Section 215 as a condition of site plan approval.

9. RESIDENTIAL, AGRICULTURAL AND RURAL DISTRICTS: Unless otherwise regulated pursuant to Article Six of this ordinance, in the LDR, MDR, HDR, MHC, AG, LA, NA, BR and RR, signage shall be permitted, as follows:

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
Home Occupation Bed & Breakfast Day Care, Group Adult Foster Care, Group Lodging & Boarding House All other uses permitted in the LDR, MDR, HDR, MHC, AG, LA, NA, BR and RR districts and not otherwise listed in this table	Building Mounted or Free Standing	1	4 sq. ft.	Free standing signs shall not be placed closer than 15 feet from the street, shall not be illuminated and shall not exceed six (6) feet in height.
Gravel Pit Subdivision, all types Multiple Dwellings Manufactured Housing Community	Ground	1	24 sq. ft.	Ground signs shall not be placed closer than 15 feet from the street, shall not be greater in height than six (6) feet and, if illuminated, lighting be downcast and shielded and restricted to 100 watts from all sources.

Golf Course, Township Uses Places of Public Assembly Agricultural Service Establishment Airport Boat, Motor Sales & Repair (LA district only) Cabin Courts Camps & Campgrounds Cemeteries Civic Clubs Day Care Center Education Facilities Adult Foster Care, Commercial Mini-Warehouse Neighborhood Local Business (LA District only) Nursing Home Public Parks	Ground	1	24 square feet	Ground signs shall not be placed closer than 15 feet from the street, shall not be greater in height than six (6) feet and, if illuminated, wall and ground sign lighting shall comply with subparagraphs 7, a and b, of this section.
	<div style="border: 1px solid black; padding: 5px; display: inline-block;">AND...</div>			
	Building Mounted	1	16 sq. ft.	
Grouped resident nameplates in Lakes Area (LA) only	Pole Sign	1	1½ sq. ft. per nameplate	Such sign shall be non-illuminated, located only at the intersection of a private and public roads and on private property.

10. COMMERCIAL AND OFFICE DISTRICTS: Unless otherwise regulated pursuant to Article Six of this ordinance, in the LB, EBC, RB, and PO districts, signs shall be permitted and/or meet the following conditions. (Revised 1/27/14)

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
Subdivision, all types	Ground	1	24 Square feet	Ground signs shall not be placed closer than 15 feet from the street, shall not be greater in height than six (6) feet and, if illuminated, lighting be downcast and shielded and restricted to 100 watts from all sources.
<p>All uses permitted in the LB, RB, and PO districts and not otherwise listed in this table and properties in the EBC district with at least 100 feet of frontage on Hammond or Three Mile Roads.</p> <p>All uses permitted in the EBC district and not otherwise listed in this table</p> <p>All uses permitted in the LB, RB, EBC and PO districts not otherwise listed in this table</p>	<p>Free Standing, Pole or Ground Sign</p> <p>Free standing Ground Sign, pole signs shall be prohibited</p>	<p>1</p> <p>1</p>	<p>120 square feet</p> <p>40 square feet</p>	<p>Pole and ground signs shall not be placed closer than 10 feet from the street, shall not be located in the side yard setback extended to the street and shall not exceed twenty (20) feet in height.</p> <p>Ground signs shall not be placed closer than 10 feet from the street, shall not be located in the side yard setback extended to the street and shall not exceed eight (8) feet in height.</p>
AND...				
	Building Mounted	No limit on number of building mounted signs, other than maximum area	Lesser of 20% of the area of the wall it is mounted on or 100 square feet for all wall signs	

11. INDUSTRIAL DISTRICT (IND): Unless otherwise regulated pursuant to Article Six of this ordinance, in the IND district, signs shall be permitted and/or meet the following conditions:

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
Subdivision, all types	Ground	1	50 Square feet	Ground signs shall not be placed closer than 15 feet from the street, shall not be greater in height than six (6) feet and, if illuminated, lighting shall comply with subparagraphs 7, a and b, of this section.
All uses permitted in the IND district and not otherwise listed in this table	Free Standing Sign	1	40 square feet	Ground signs or Pole signs shall not be placed closer than ten (10) feet from a street and shall not be located in a side yard setback extended to the street. Ground signs shall not exceed six (6) feet in height and, if illuminated shall comply with subparagraphs 7, a and b, of this section. Pole signs shall not exceed twenty (20) feet in height.
	Building Mounted Sign	1	Lesser of 20% of the area of the wall it is mounted on or 80 square feet for all wall signs	

AND...

SECTION 216 DUMPSTER ENCLOSURES (Revised 1/8/08)

Dumpsters or other refuse or recycling containers which serve multi-unit residential buildings, institutional, commercial, office or industrial establishments shall be enclosed and such enclosures shall comply with the following requirements:

1. Such enclosures shall be finished with the same materials and colors as the exterior finish of the principal structure.
2. The enclosure shall be four-sided with a lockable gate constructed of opaque materials; provided, the Zoning Administrator or Planning Commission may permit a three-sided where site configuration makes a four-sided enclosure impractical or where a three-sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.
3. Walls of the enclosure shall be 6 feet in height.
4. Interiors and exteriors of enclosures shall be kept clean and free of debris and clutter.
5. The Planning Commission may waive one or more of requirements of this subsection only where it is determined that adequate screening can be provided and maintained for the life of the use by natural vegetation or other means without negative impact on the aesthetics of the surrounding area.

SECTION 217 HOME OCCUPATIONS

1. **INTENT:** To ensure compatibility of such business uses with other permitted uses, the residential character of the Township, and to insure that home occupations are clearly secondary and incidental uses of residential buildings.
2. **DEFINITION:** A Home Occupation is an incidental and secondary use of a dwelling and/or an accessory building on a residential lot for business purposes. A Bed and Breakfast Establishment is not a home occupation.
3. **ZONING DISTRICTS ALLOWED:** LDR, MDR, HDR, MHC, RR, LA, AG, BR and NA
4. **USE PROVISION:** An accessory use of a use permitted by right.
5. **CONDITIONS THAT MUST BE MET:**
 - a. A home occupation must be conducted within the dwelling and/or an accessory building of the residential lot.
 - b. No more than twenty (20) percent of the floor area of the dwelling unit and/or fifty (50) percent of an accessory building may be used in connection with a home occupation including storage. For this determination, the floor area of a dwelling unit shall include all habitable areas within the dwelling unit, including basements and habitable attic space.
 - c. All business activity and storage must be within the interior of the dwelling and/or accessory building. There shall be no exterior storage allowed in conjunction with a home occupation. This shall apply to non-passenger commercial vehicles and limousines associated with a home occupation.

- d. Home Occupations shall be conducted solely by family members residing at the residence.
- e. No sale or rental of goods or products shall be allowed unless produced or fabricated on the premises as a result of a home occupation.
- f. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises shall be allowed.
- g. The home occupation shall not generate pedestrian or vehicular traffic beyond that normally generated by homes in the residential area.
- h. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat. Any noise, vibration, smoke electrical interference, dust, odors, or heat detectable beyond the property lines, shall constitute a violation of the terms of this Section. The judgment of the Zoning Administrator shall be considered decisive and final, unless formally appealed to the Zoning Board of Appeals.
- i. All home occupations shall be subject to periodic inspections.

SECTION 218 PROTECTION OF FIRE HYDRANTS

To enable rapid access in emergency situations, plot plan and site plans shall include measures to protect existing and planned fire hydrants from obstruction by structures, landscaping, piled snow and ice, or other materials. An area ten (10) feet in diameter from the hydrant shall be maintained free of structural or landscaping obstructions and such area shall be kept free of piled snow and ice and landscape debris.

SECTION 219 MITCHELL & BAKER CREEKS PROTECTION (Revised 9/25/07)

1. MITCHELL AND BAKER CREEKS OVERLAY DISTRICT:

- a. **DESCRIPTION AND PURPOSE:** The purpose of this Overlay District is to preserve and protect the lower Mitchell Creek and the Baker Creek watershed. These regulations seek to balance the protection of the ecosystem while enabling low-intensity development where appropriate.
- b. **APPLICABLE REQUIREMENTS AND DISTRICT BOUNDARIES:** The requirements of this overlay district are in addition to and shall supplement those imposed on the same lands by the provisions of the underlying zoning district. The Mitchell and Baker Creeks Overlay District shall consist of all lands located within the Protection and Transition District identified in Map 21 of the East Bay Township Comprehensive Plan and as further illustrated on the Zoning Map of East Bay Charter Township.
- c. **WETLANDS:** An applicant planning to make any improvements or changes to a regulated wetland within the district must obtain a permit from the DEQ in accordance with Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451 prior to submitting a site plan or land use permit application under this Zoning Ordinance.

- d. **DEVELOPMENT DENSITY AND INTENSITY STANDARDS:** In addition to the district regulations set forth in the Schedule of Regulations for the underlying zoning district and any special land use provisions that may apply to a proposed use, the following regulations shall apply to parcels within the Mitchell and Baker Creeks Overlay District.
- 1) No structures or buildings shall be constructed within one hundred (100) feet of Mitchell Creek or Baker Creek or their tributaries. All development shall be confined to the uplands portions of the site, outside the Managed Buffer Strip defined in Section 219, 2. Vegetation within this corridor may be pruned or trimmed in a manner that maintains the rural character of the district.
 - 2) All development in the Mitchell and Baker Creeks Overlay District, except individual single family lots, shall be developed as a Planned Unit Development (PUD) in accordance with Section 637 of this Zoning Ordinance.
 - 3) The potential maximum residential density permitted for any property proposed as a PUD within the Mitchell and Baker Creeks Overlay District shall be determined by applying the density standards set forth in Table 3 of Article V for the underlying zoning to the gross area of the parcel including any stream corridors, buffer strips, and/or buffer areas and any regulated wetlands or rights-of-way. In applying the standards of Section 637 to enable an applicant to realize potential density, the Planning Commission may authorize departures from the dimensional standards of the underlying zoning district subject to the restrictions of Section 219, 2 Managed Buffer Strip. Provided, however, that nothing in this section shall be construed to assure a proposed PUD will produce any particular residential density.
 - 4) The extent of any commercial or industrial development will be based on a test plan or yield plan that utilizes the gross area of the parcel including any stream corridors, buffer strips, and/or buffer areas and any regulated wetlands or rights-of-way. In applying the standards of Section 637, the Planning Commission may authorize departures from the dimensional standards of the underlying zoning district subject to the restrictions of this Section 219 and Section 219 (2) Managed Buffer Strip. Provided, however, that nothing in this section shall be construed to assure a proposed PUD will produce any particular development intensity.
- e. **SINGLE FAMILY DWELLINGS:** Single family dwellings, major accessory buildings, decks and patios located within the Mitchell and Baker Creeks Overlay District shall require a Land Use Permit issued by the Zoning Administrator in accordance with Section 803. Provided, however, that the application for a Land Use Permit for such single family dwelling shall include a complete site plan prepared in accordance with Section 820, 5, c, of this Zoning Ordinance.
- f. **PROHIBITED USES:** All commercial or industrial uses whose main services require the handling, use, production/manufacturing, creating, or disposal of hazardous, toxic or flammable substances including but not limited to: petroleum products,

pesticides, herbicides, solvents, radioactive materials, biological wastes, caustic, corrosive or flammable liquids, or similar materials shall be prohibited in the Mitchell and Baker Creeks Overlay District.

- g. EXISTING USES AND STRUCTURES: Existing land uses, buildings and structures within the Mitchell and Baker Creek Overlay District which do not conform to the requirements of this Section 219, shall be regarded as legal non-conforming under Section 201. If the area between an existing structure and Mitchell Creek or Baker Creek or their tributaries is less than One Hundred (100) feet, any such area shall be regarded as a Managed Buffer Strip pursuant to Section 219, 2.

2. MANAGED BUFFER STRIP:

- a. DESCRIPTION AND PURPOSE: The purpose of this section is to provide for the protection of lands adjoining Mitchell and Baker Creeks and their tributaries as illustrated on the Township Zoning Map. The following standards are applicable to all zoning and overlay districts as shown on the Zoning Map. The regulations are designed to prevent soil erosion along the creek banks, prevent sedimentation from entering the creeks, preserve and enhance vegetation along the creek banks, and ensure adequate setbacks for buildings, structures and septic systems.
- b. MANAGED BUFFER STRIP: A managed buffer strip shall be maintained one hundred (100) feet on each side of Mitchell Creek and Baker Creek and their tributaries as illustrated on the Township Zoning Map. The buffer strip shall consist of three tiers, each allowing gradually more intense clearing as the distance from the stream increases. The tiers are defined as follows:
 - 1) Tier 1. Within 25 feet of Mitchell Creek or Baker Creek or their tributaries, trees and shrubs may be pruned for a filtered view of the stream, but clear cutting shall be prohibited. The purpose of this buffer strip includes, but is not limited to maintaining bank stabilization, assisting in erosion control, allowing for nutrient absorption, wildlife habitat and corridors, and screening man-made structures.
 - 2) Tier 2. In an area starting twenty-five (25) feet from Mitchell Creek or Baker Creek or their tributaries, and extending fifty (50) feet outward, trees and shrubs may be pruned for a filtered view of the stream. Footpaths, bicycle paths and hiking paths as well as fences, walls, and stairways may be constructed under the following conditions:
 - (a) All hiking trails or walking paths must be constructed of a permeable material.
 - (b) All paths and stairways must be constructed in a location and manner to avoid soil or slope failure.
 - (c) Fences or walls are to be constructed in such a manner that vision shall not be obstructed to an extent greater than twenty-five (25%) of the total area of the fence or wall, except within the VC and IND Districts where such standards pertaining to fences and walls shall not apply.
 - 3) Tier 3. In areas starting seventy-five (75) feet from Mitchell Creek or Baker

Creek or their tributaries, and extending twenty-five (25) feet outwards from the stream, there shall be no constraints as to the extent of vegetation removal, but uses shall be restricted to gardens; play areas and walking paths if comprised of pervious surfaces; septic tank drainfields, if approved by the Grand Traverse County Health Department; indigenous landscaping and plantings that do not require significant artificial fertilization.

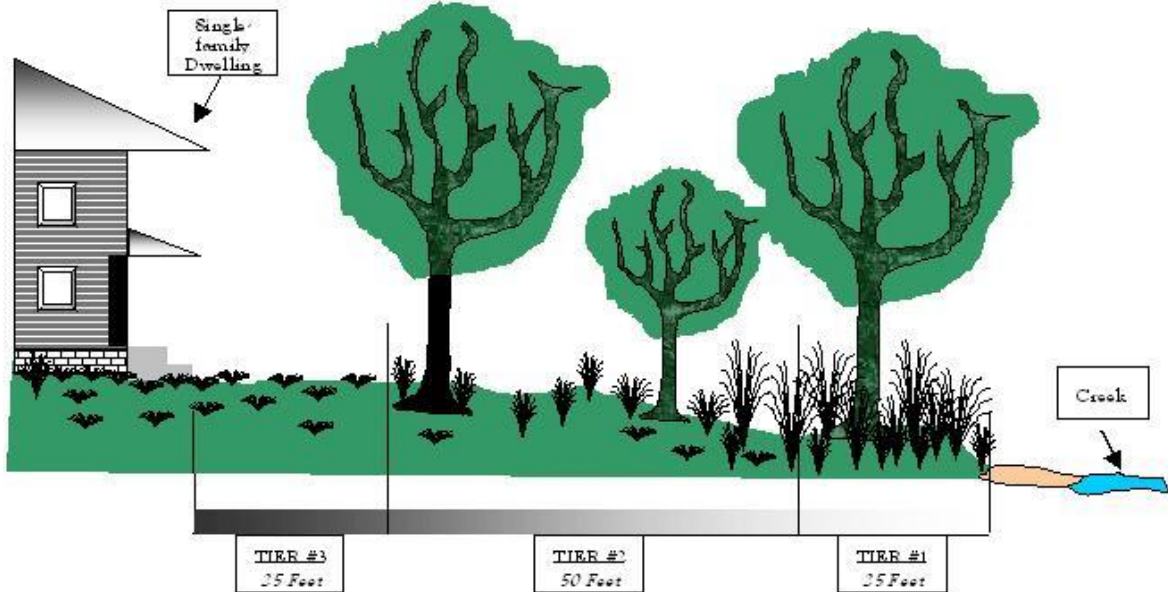


Figure 2.2 Three-Tier Managed Buffer Strip

c. GENERAL STANDARDS FOR ALL TIERS:

- 1) All tiers of the buffer strip shall consist of native trees, shrubs, and other vegetation and materials. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed.
- 2) No ponds shall be constructed, earth moved or topsoil removed for building within the buffer strip, until a Land Use Permit has been issued under Section 803 of this Ordinance.
- 3) Chemical control of vegetation shall be prohibited within the Managed Buffer Strip.
- 4) Grazing and soil tilling for farm crops is prohibited within the Managed Buffer Strip.

d. REDUCTION OF BUFFER AREA: In the event that the application of the managed buffer strip standards of this paragraph, together with any other dimensional restrictions applicable under this ordinance, results in a site that cannot be reasonably developed with any permitted or special land use in the district, the

Planning Commission may consider a reduction of the buffer area as follows. The applicant shall submit a site plan prepared pursuant to Section 820 hereof, which illustrates a reasonable development proposal for the site incorporating as much of the required managed buffer strip as possible. The Planning Commission shall evaluate the site plan in accord with Section 820, 7, and determine that the proposed site plan provides the maximum possible buffer strip, while permitting a reasonable use of the property.

- e. **EXISTING USES AND STRUCTURES.** Existing land uses, buildings and structures within the Managed Buffer Strip which do not conform to the requirements of this Section, shall be regarded as legal non-conforming under Section 201.

SECTION 220 GROUNDWATER PROTECTION STANDARDS

These provisions shall apply to all non-residential uses that are required to proceed through the Site Plan Review provisions of Section 820 of this Ordinance which use, store or generate hazardous substances and polluting materials in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).

1. **HAZARDOUS SUBSTANCES and POLLUTING MATERIAL:** Shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources; hazardous substances as defined by the U.S. Environmental Protection Agency; and hazardous materials as defined by the U.S. Department of Transportation.
2. **SITE PLAN REVIEW STANDARDS for GROUNDWATER PROTECTION:**
 - a. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 - b. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - c. General purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
 - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

SECTION 221 ACCESSORY USES

1. DEFINITION: Uses permitted by right and uses eligible for Special Land Use approval classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in Table 3-1) is conducted in conjunction with another principal use and the former use; (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special land use approval.

2. INTERPRETATION of ACCESSORY USES: For purposes of interpreting accessory uses;
 - a. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
 - b. To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
 - c. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.
3. SMALL WIND ENERGY CONVERSION SYSTEMS: **(Revised 1/8/08)**
 - a. Intent. It is the purpose of this section to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of electricity supplied by utility companies.
 - b. A Small Wind Energy Conversion System, or Small Windmill, may be regarded as a permitted accessory use, if it meets the following requirements.
 - 1) Tower Height: For parcels of less than 2 acres in area, the tower height shall be limited to 35 feet. For parcels with land area greater than 2 acres and located in the LDR, RR, LA, AG, NA or BR districts, the tower height shall be limited to 60 feet. For the purposes of this subsection, tower height shall be considered the height of the tower or other supporting structure measured from native grade.

- 2) **Setback:** The tower shall be setback from all adjoining property lines and rights-of-way (public or private) the greater of the setback requirements of the zoning district or the combined height of the tower or other supporting structure and the turbine blade in its vertical position. No part of the wind energy conversion system structure, including guy wire anchors, may extend into any required yard.
- 3) **Noise:** The applicant shall provide evidence that a small windmill will not cause sounds in excess of 45 dB, as measured at any property line.
- 4) **Approved Wind Turbines:** Small windmills shall bear an approval certificate from a certification program recognized by the American Wind Energy Association.
- 5) **Compliance with Uniform Building Code:** Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted.
- 6) **Utility Notification:** No small windmill shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 7) **Abandonment.** A small windmill that is inoperable and has not functioned for at least six (6) months shall be deemed to have been abandoned and the Zoning Administrator may order the removal of the turbine and tower.

SECTION 222 CONDOMINIUM SUBDIVISIONS

The intent of this section is to provide procedures and standards for the review and approval or denial of development subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Subdivision Control Act (P.A. 288 of 1967, as amended), and promote the orderly development of the adjacent areas. It is also intended that commercial or industrial condominium projects would also be included and reviewed or approved.

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

2. PLAN APPLICATION - DATA and INFORMATION REQUIRED: Condominium Subdivision applications shall follow the provisions of Section 820 for Site Plan Review and approval and proceed as per that section. In addition to those provisions of section 820, the following information shall also be required;
- a. CONDOMINIUM PLAN, PROTECTIVE COVENANTS and DEED RESTRICTIONS: The condominium subdivision developer shall submit to the Township Zoning Administrator sixteen (16) copies of the condominium subdivision plan, proposed protective covenants and deed restrictions, and master deed. The name of the proposed project shall be subject to the approval of the Township to eliminate duplicate names or names that are similar to existing developments.
 - b. Scale shall be not more than 1 inch to 100 feet and drawn on plain paper of a size not less than 24 inches by 36 inches, with date and north arrow.
 - c. The name of the proposed condominium subdivision.
 - d. Legal description of the property.
 - e. Statement of intended use of the proposed condominium, such as, residential single family, two family and multiple housing. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
 - f. A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.
 - g. Contours shall be shown on the condominium subdivision plan at 5-foot intervals where slope is greater than 10%, and 2-foot intervals where slope is 10% or less.
 - h. A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.
 - i. The location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, and soil types.
 - j. In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by Michigan Department of Natural Resources as to the existence of any wetlands on the property may be required.
 - k. PRELIMINARY ENGINEERING PLANS: The applicant shall submit sixteen (16) sets of preliminary engineering plans for streets, water, sewers, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make a determination as to conformance of the proposed improvements to applicable township regulations and standards.
 - l. The volume of each condominium unit.
 - m. A plan for Landscaping and Buffering prepared in accordance with Section 229 of this Zoning Ordinance.

3. REVIEW PROCEDURES:
 - a. The applicant shall provide the Township with sixteen (16) copies of the proposed condominium subdivision plan to the following Grand Traverse County Agencies; Health Department, Drain Commission/Soil Erosion and Sedimentation Department, Planning Commission and Road Commission, and Metro Fire Department.
 - b. The Planning Commission shall review the condominium subdivision plan and the reports of the County agencies and Staff before making their determinations.
 - c. After proceeding with Section 820.6; the Site Plan Review process, the Planning Commission shall forward their findings to the Township Board.
 - d. The Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
 - e. The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the recommendations from the Planning Commission.
 - f. The Township Board shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Board.
4. CONDITIONS and DURATION of APPROVAL: The approval of the Township Board will indicate that the proposed condominium subdivision plan meets the provisions of Section 141.(1) of the Condominium Act relating to the ordinances and regulations of East Bay Township, but does not cover additional permits that may be required after the Master Deed has been recorded.
5. DURATION: Approval of the Condominium Subdivision Plan by the Township Board shall be for a period of two (2) years from the date of its approval, after approval by any other required authorities. The Township Board may extend the two (2) year period if an extension is applied for in writing. The reasons for such extension may be inability to complete roads or other requirements, financial problems or other documented hardship.
6. CONDOMINIUM SUBDIVISION PLAN APPROVAL CONTRACT: If the Township Board approves the condominium subdivision plan, it shall instruct the township attorney to prepare a contract setting forth the conditions upon which such approval is based; such contract, after approval by the Township Board, shall be entered into between the township and petitioner prior to the issuance of a land use permit for any construction in accordance with the approved condominium subdivision plan. All reasonable costs, as established by the Township Board, related to the preparation of said contract shall be paid by the petitioner to the Township Treasurer prior to issuance of any land use permits.
7. PERFORMANCE GUARANTEE REQUIRED: As a condition of the approval of the condominium subdivision plan by the Township Board, a performance guarantee as pursuant to Section 830 of this Ordinance will be required before land use permits are issued.

8. **STANDARDS and DESIGN for CONDOMINIUM SUBDIVISION PROJECTS:**
- a. **CONDOMINIUM LOTS:** The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provision herein, these parcels shall be referred to as condominium lots. The description, size, location and arrangement of the condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units. Each condominium dwelling unit shall be located within a condominium lot.
 - b. **DESIGN STANDARDS and IMPROVEMENTS:** Developments shall conform to those requirements of Article IV; Design Standards, and Article V; Improvements, of the East Bay Township Subdivision Control Ordinance, 80-105Z, except for the following modifications.
 - 1) All regulations as per the zoning district where the development is located shall apply to the project.
 - 2) **Private Streets:** If a condominium subdivision is proposed to have private streets, they shall conform to the Section regarding road standards. In addition, all private streets or frontage roads in a condominium subdivision shall have a paved driving surface of asphalt or concrete.
 - 3) **Lighting Standards:** Where street lighting is to be provided within the development, the lighting shall be designed, constructed and located in conformance with the requirements of Section 210 hereof.

SECTION 223 PRIVATE ROAD STANDARDS (Revised 6/24/06)

INTENT: The Planning Act authorizes planning which includes the general location, character and extent of streets, roads, highways and recommendations for implementing any of its proposals. A Comprehensive Plan was adopted by East Bay Township on August 18, 1999 and thereafter no road shall be constructed or authorized in the Township until the location, character and extent thereof has been approved by the Planning Commission. It is the intent of this section not to regulate streets approved under the plat act, since those such streets are regulated by the Township's Subdivision Control Act, and County Road Commission provisions.

- 1. **PRIVATE ROADS:** No parcel of land or lot created after April 20, 1994 shall be issued a land use permit which does not have access along a public road or private road. All parcels or lots shall have access along a public road or private road, such private roads also include access by easement or easement access roads. Such roads within these definitions shall be approved by the Township and developed according to the standards herein.
- 2. **JOINT MAINTENANCE AGREEMENT:** A proposed easement and road

maintenance agreement shall be provided with the private plan. The easement and road maintenance agreement shall provide as a minimum:

- a. Majority vote rules regarding road maintenance and improvement decisions.
 - b. The owner of each parcel will be responsible for payment of the share of costs apportioned to his or her parcel.
 - c. The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
 - d. The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.
 - e. The owner or owners of the land served by the road shall provide for the requirement to grade, drain, and otherwise maintain the private road including the road name sign, and emergency service access, in accordance with public agency requirements.
 - f. A statement that the owners are aware that the road will not be maintained by the Grand Traverse County Road Commission or Michigan Department of Transportation. As such, the roadway will be private, and the Road Commission or Department of Transportation will have no obligation to maintain the road in any manner.
 - g. The easement and road maintenance agreement may be reviewed and approved by the Township Attorney for compliance with the Township regulations. Following approval of the Township Attorney when required, the agreement shall be recorded with the Grand Traverse County Register of Deeds.
3. DRAINAGE PLANS: A Drainage Plan with the approval of the Grand Traverse County Soil Erosion and Sedimentation Control Officer shall be provided with frontage plan. The drainage plan shall conform to the requirements of all agencies having jurisdiction.
 4. RIGHTS-OF-WAY WIDTHS: The minimum width of rights-of-way shall be 66 feet. The right-of-way may be a dedicated road, easement access, or common areas dedicated to lot owners. The right-of-way document shall include express utilities provisions and shall be recorded with the Grand Traverse County Register of Deeds, and it shall be a document running with the land.
 5. HOLD HARMLESS AGREEMENT: Waiver or indemnification and "hold harmless" agreement to benefit the municipality, such agreement may be approved by the Township Attorney.
 6. DESIGN REQUIREMENT: The Private Road Plan shall be prepared by a Registered Professional Engineer. The road design and construction plan may be reviewed by the Township Engineers for compliance with the Township regulations. Unless expressly waived by the Planning Commission pursuant to paragraph 7 hereof, the design and construction of private roads shall comply with the

requirements of the *Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads*, promulgated by the Grand Traverse County Road Commission and as amended from time to time.

7. WAIVERS: If, in the judgment of the Planning Commission, the implementation of a private road in accord with the *Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads* as promulgated by the Grand Traverse County Road Commission, or similar successor regulations, will result in the loss or degradation of important natural features, upon the recommendation of the Zoning Administrator, the Planning Commission may approve a waiver of the strict application of such standards for a private road. An applicant for such a waiver shall identify the specific features that would be lost or degraded through the use of said Standards and alternative methodologies considered to mitigate such loss or degradation. The Zoning Administrator shall consult with the Grand Traverse County Fire Department and may consult with experts as needed to evaluate such a request and the cost of such consultation shall be borne by the applicant
8. EMERGENCY SERVICES REVIEW: The private road plan shall be reviewed and approved by the appropriate Emergency Services and Fire Protection agencies before approval is granted by the Township.
9. ROAD LAYOUT:
 - a. All existing roads that terminate at the boundaries of a proposed development shall be connected with the road system of the proposed development.
 - b. The street layout in any proposed development shall be designed so that all future adjacent developments shall be connected. Enforceable agreements and provisions for the joint maintenance of existing and proposed roads shall be incorporated into any subdivision, property-owners association or condominium documents. All connection-roads shall be provided by easement or dedication.
 - c. Suitable access must be maintained for an isolated parcel previously dependent on the property to be served by the private road for sole access to existing public roads. Such access must be provided by easement or dedication.
 - d. The layout of roads shall provide as much as possible for a continuous circuit for travel. In special cases where the lands to be divided are limited in area or are subject to a natural barrier, the Township Planning Commission may approve a dedication which provides access to another road at one end only if an engineered designed cul-de-sac right-of-way is provided at the terminus of the road to permit turning in a continuous circuit.
10. ROAD NAMES: All private roads shall have a road name approved by the Township Board. The developer/proprietor shall furnish and erect road name signs at all intersections within the project and entrances thereto to assist in the location of the property by emergency vehicles. The design and color of the road name sign shall be in accordance with Grand Traverse County Ordinances.

11. **SIGNS:** Traffic control signs shall be placed in accordance to the Michigan Manual of Uniform Traffic Control Devices. Signs marked "Private Road" shall be erected and maintained by the Proprietor at the entrance to all private roads in subdivisions and condominiums.
12. **UTILITIES:** Adequate utility easements shall be provided within or adjacent to the right-of-way and dedicated to the public for sewer, water, gas, electric, telephone and cable use.
13. **PRIVATE ROAD APPROVAL PROCESS:** The Private Road Plan approval shall be processed through the requirements of Site Plan Review as set forth in Section 820 of this Zoning Ordinance. In order to insure that the requirements of this section are met, the Registered Professional Engineer that designs the private road shall verify that the road was built in compliance with the approved plans, specifications and the Township's private road standards construction.
14. **EXISTING NON-CONFORMING PRIVATE ROADS:** Roads existing and used as private roads as of April 20, 1994, may continue to be used, without the requirement of a recorded maintenance agreement as provided in section 223.2.
15. Unregulated private roads as defined herein shall be exempt from the terms of this Section 223, except that all unregulated private roads established after the date of adoption of the ordinance that added this paragraph shall be located within a dedicated access easement or right-of-way not less than 33 feet in width.
16. **HOME CONSTRUCTION:** No land use permits shall be issued for homes to be accessed exclusively by a private road until the private road has been constructed, the as-built plans have been sealed pursuant to paragraph 13 hereof and the road has been approved by the Township.
17. **PREEXISTING ROADS:** For any extension of a private road established on or before April 20, such extended portion shall meet all of the requirements of this ordinance.
18. **SPECIAL ASSESSMENT DISTRICT:** An applicant for approval of a private road in East Bay Charter Township shall submit a completed petition for a special assessment district to support any future costs of road repair, maintenance and/or reconstruction to be activated in the event that the abutting property owners fail to perform under the terms of the Joint Maintenance Agreement and the Township determines that such failure to perform has created, or is contributing to, an unsafe or detrimental situation in the community. Said petition for establishment of a special assessment district shall be submitted on forms prepared by the Township's attorney and shall be properly signed by all owners of record of the parcel or parcels to be served by the proposed private road. Said petition shall be accepted by the Township and held in abeyance for use only in the event the owners of the property fail to perform under the terms of the Joint Maintenance Agreement.

SECTION 224 ACCESS CONTROL MEASURES

These provisions for traffic control shall be applicable for land uses, buildings and structures fronting on the following roads: all hereinafter referred to as major thoroughfares;

1. MAJOR THOROUGHFARES INCLUDED WITHIN THIS SECTION:
 - a. Three Mile Road; from Munson Avenue/US-31 North, south to Cherry Ridge Drive.
 - b. Hammond Road; between Townline Road and two thousand (2,000) feet east of the Four Mile Road and Hammond Road intersection.
 - c. South Airport Road.
 - d. Parsons Road.
2. DEFINITION for SERVICE DRIVES: A service drive shall be a front or rear interconnection between parcels, and may include the maneuvering lane within a parking lot. A service drive is not a private road.
3. SERVICE DRIVES and ACCESS CONTROLS: All land in a parcel having a single property tax code number, as of April 20, 1994, shall be entitled to one (1) driveway or road access per parcel from a major thoroughfare. Parcels when subsequently subdivided, either as metes and bounds described parcels, as a plat created in accordance with P.A. 288 of 19 of 1967 amended and the Township Subdivision Control Ordinance, and/or as a condominium subdivision in accordance with Act 59 of 1978, as amended, shall be accessed by private or public roads, or by service drives.

Notwithstanding the requirements of the East Bay Township Subdivision Control Ordinance, the standards for service drives shall be as follows:

- a. All existing and future parcels, if required to proceed through Section 820; the Site Plan Review process or the issuance of required permits, shall contain a service drive, unless the applicant can demonstrate that the access plan is not feasible from a public safety, engineering, traffic flow, or natural features respect. If the Planning Commission makes a determination that a service drive for a future parcel is not feasible, the applicant shall be entitled to a driveway onto the major thoroughfare.
- b. Width: A minimum width of twenty (20) feet with a paved surface is required. If the service drive is located in the front yard, it shall be located a minimum of thirty (30) feet from the road right-of-way. Provided, however, in the event that the application of the width and setback requirements of this subparagraph, together with any other dimensional restrictions applicable under this ordinance, results in a site that cannot be reasonably developed with any permitted or special land use in the district, the Planning Commission may consider a reduction of said setback requirements as follows. The applicant shall submit a site plan prepared pursuant to Section 820 hereof, which illustrates a reasonable development proposal for the site incorporating as much of the required access

drive setback as possible. The Planning Commission shall evaluate the site plan in accord with Section 820, 7, and determine that the proposed site plan provides a reasonable setback, while permitting a reasonable use of the property.

- c. Additional driveways may be permitted within a parcel, providing that the development has more than 400 feet of continuous frontage, and that each driveway is located in such a way that there is 400 feet separation between each driveway measured between the centerline of each driveway.
- d. To provide for adequate stacking and maneuvering on the public or private road the center line of service drives intersecting with a public or private road which intersects a major thoroughfare shall be at least 150 feet from the nearest edge of the traveled portion of the major thoroughfare.
- e. Corner lots may contain a driveway on both roads providing that the driveway approaching (right lane) the intersection is located a minimum of 350 feet from the nearest edge of the traveled portion of the major thoroughfare, and the driveway leaving the site is located a minimum of 150 feet from the nearest edge of the traveled portion of the major thoroughfare. If a corner parcel does not contain this minimum required frontage, it still may have driveways on both roads, providing that the applicant can demonstrate that the access plan is feasible from a public safety, engineering, traffic flow, or natural features respect, and that driveway locations are such that they can comply as nearly as possible with the intent of this requirement.
- f. The service drive shall be maintained by the property owners establishing a service drive, in a reasonably safe condition, including snow storage.
- g. Landscaping along the service drive shall be with vegetation that is in accordance to the definition of landscaped open space in Section 1401 of this Ordinance. At least 30% of this area shall contain woody (trees and shrubs) vegetation and planted in such as way that it doesn't interfere with site distance. Installation and maintenance of landscaping shall be the responsibility of the property owners.
- h. To ensure consistency with this Section, all service drive proposals are required to proceed through site plan review; Section 820, which requires approval by the Planning Commission.
- i. Adjacent property owners may and are encouraged to consolidate their driveways by using either a shared access drive or a service drive. All service drives are to be placed on private property outside of the right-of-way. In the consideration and approval of site plans that incorporate shared driveways, the Planning Commission may consider approval of a reduction of landscape open space, yard setbacks or parking limits by not more than 10% of the requirements otherwise provided by this ordinance.
- j. See the following exhibits for examples of access control measures. These

exhibits are derived from the better approach principles as set forth in the Grand Traverse Bay Region Development Guidebook as published in September, 1992.

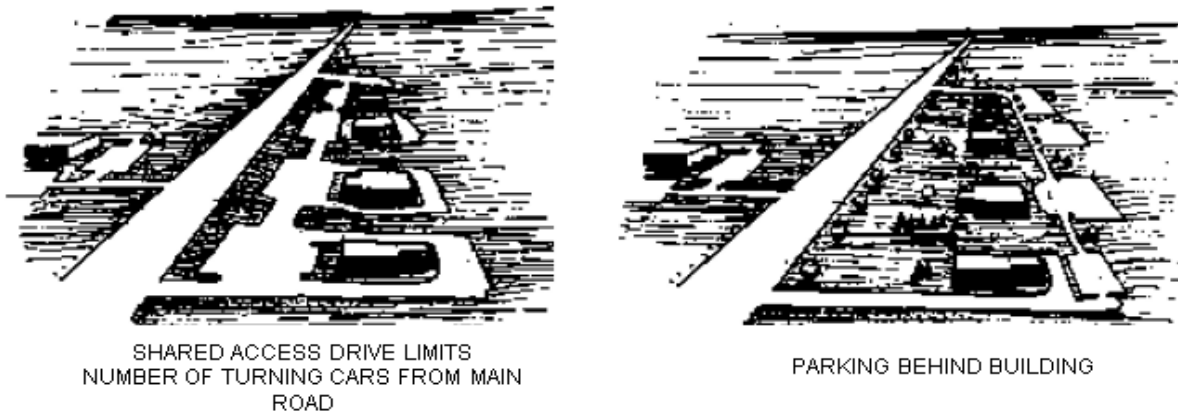


Figure 2.3 Access Management Illustration

SECTION 225 OPEN SPACE PRESERVATION (Revised 6/24/06)

Detached Single Family Residential Open Space Preservation Subdivisions, as defined herein shall conform to the provisions of Section 4.8; East Bay Township Subdivision Control Ordinance #80-150Z, and the Site Plan Review provisions of Section 821 of this Ordinance. The terms of this Section 225 are intended to offer an optional open space preservation approach to such residential development patterns.

1. Land zoned for residential development equivalent to 2 or fewer dwelling units per acre, or if the land is served by a public sewer system, 3 or fewer units per acre, may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land as allowed by the zoning district.
2. A percentage of the land area not less than 50% of the parcel, excluding a fixed percentage for street right-of-way purposes, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Such permanent open space shall be determined through the preparation and submittal of a detailed site analysis which shall identify native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water and prominent meadows from off site, steep slopes (in excess of 20%) and other unique or aesthetic features.
 - a. Based on the site analysis, the applicant shall identify the portion of the parcel to be maintained in the perpetually undeveloped state, incorporating features in the following order of priority, to the greatest extent possible:
 - 1) Surface water (lakes, streams and the Bay) including Mitchell and Baker Creeks. Provided, however, that common open space in a development located in the Lakes Area (LA) district, shall include shoreline or stream corridor areas preserved in a perpetually undisturbed state and any with access to water limited to nothing more intense than walk-in use.

- 2) Regulated Wetlands
 - 3) Hardwood forests
 - 4) Unregulated wetlands
 - 5) Viewsheds to lakes or the Bay
 - 6) Viewsheds to prominent meadows or woodlands
 - 7) Slopes in excess of 20%
- b. Lands running parallel to an existing public road adjoining the parcel to a depth of not less than thirty (30) feet shall be included within the preserved open lands and shall be maintained as natural woodlands. If such lands do not include existing forest, the applicant shall commit to a reforestation plan sufficient to provide visual screening to the development, within not more than ten (10) years.
 - c. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the require 50% provided in this section.
 - d. Lands to be included within permanently dedicated open space may not include areas containing or impacted by gas or oil wells, personal wireless communication facilities, electrical transmission lines or similar elements; but may include detention or retention facilities if designed to reflect a natural wetland.
3. The maximum number of lots that may be approved shall be computed by subtracting from the project's total gross acreage a fixed percentage of 15% for street right-of-way purposes, and multiplying the remaining area by the maximum dwelling unit density available for the district in accord with the following table:

<u>Zoning District</u>	<u>Maximum Density (Dwelling Units Per Acre)</u>
LDR	1 (without central water or sewer) 3 (with central water or sewer)
RR	1
AG	1
LA	1
BR	0.4 (if within 400' of Boardman River) 1 (if 400' of more from Boardman River)
NA	0.2

- 2. Lot size may be reduced up to 50% of the required lot size and lot width may be reduced up to 33% of the required lot width in the district.

SECTION 226 RESIDENTIAL CLUSTER SUBDIVISIONS (Revised 6/24/06)

Detached Single Family Residential Cluster Subdivisions, as defined herein shall conform to the provisions of Section 4.8; East Bay Township Subdivision Control Ordinance #80-150Z, and the Site Plan Review provisions of Section 821 of this Ordinance.

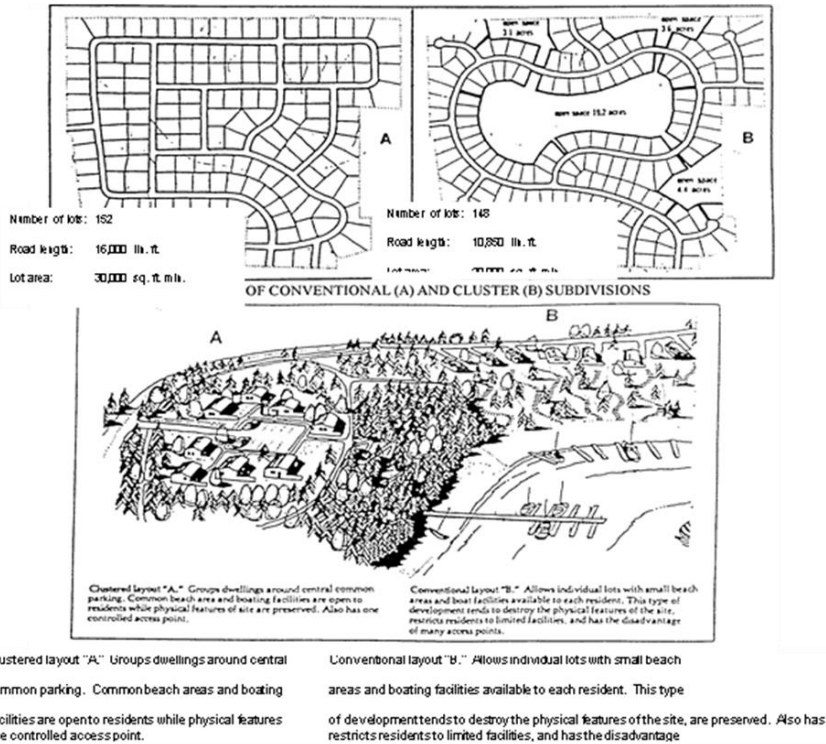
1. The maximum number of lots that may be approved shall be computed by subtracting from the project's total gross acreage a fixed percentage of 15% for street right-of-way purposes, and multiplying the remaining area by the maximum dwelling unit density available for the district in accord with the following table:

<u>Zoning District</u>	<u>Maximum Density (Dwelling Units Per Acre)</u>
LDR	1 (without central water or sewer) 3 (with central water or sewer)
MDR	3 (without central water or sewer) 5 (with central water or sewer)
HDR and MHC	3 (without central water or sewer) 8 (with central water or sewer)
RR	1
AG	1
LA	1
BR	0.4 (if within 400' of Boardman River) 1 (if 400' or more from Boardman River)
NA	0.2

2. Lot size may be reduced up to 50% of the required lot size and lot width may be reduced up to 33% of the required lot width in the district.
3. A percentage of the land area not less than 35% of the parcel, excluding a fixed percentage for street right-of-way purposes, will remain perpetually in an undeveloped state. Cluster open space shall not include areas devoted to public or private vehicular streets. Cluster open space shall include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees). It is intended that this space be for recreation or use by the lot owners within the development and should be easily accessible to pedestrians. Such permanent open space shall be determined through the preparation and submittal of a detailed site analysis which shall identify native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water and prominent meadows from off site, steep slopes (in excess of 20%) and other unique or aesthetic features.
 - a. Based on the site analysis, the applicant shall identify the portion of the parcel to be maintained in the perpetually undeveloped state, incorporating features in the following order of priority, to the greatest extent possible:

- 1) Surface water (lakes, streams and the Bay) including Mitchell and Baker Creeks. Provided, however, that common open space in a development located in the Lakes Area (LA) district, shall include shoreline or stream corridor areas preserved in a perpetually undisturbed state and any with access to water limited to nothing more intense than walk-in use.
 - 2) Regulated Wetlands
 - 3) Hardwood forests
 - 4) Unregulated wetlands
 - 5) Viewsheds to lakes or the Bay
 - 6) Viewsheds to prominent meadows or woodlands
 - 7) Slopes in excess of 20%
- b. Lands running parallel to an existing public road adjoining the parcel to a depth of not less than thirty (30) feet shall be included within the preserved open lands and shall be maintained as natural woodlands. If such lands do not include existing forest, the applicant shall commit to a reforestation plan sufficient to provide visual screening to the development, within not more than ten (10) years.
 - c. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the required 35% provided in this section. **(Revised 1/8/08)**
 - d. Lands to be included within permanently dedicated open space may not include areas containing or impacted by gas or oil wells, personal wireless communication facilities, electrical transmission lines or similar elements; but may include detention or retention facilities if designed to reflect a natural wetland.
 - e. Cluster open space shall be owned and maintained by the lot owners within the development, therefore, the legal arrangement for this management should be provided for within the deed restrictions of the development.
 - f. As set forth in paragraph 2 above, the dimensions and area of each lot in a residential cluster subdivision may be reduced below the minimums ordinarily required by the Zoning Ordinance with the surplus land area being incorporated into the open space system of the subdivision. The overall dwelling unit density and total number of dwelling units in a residential cluster will not exceed those of a traditional residential subdivision of the same area. Unless specified in the district, the open space system of a residential cluster subdivision may consist of common open space or partly of common open space and partly of public open space.

Figure 2.4 Cluster Subdivision Illustration



SECTION 227 TRAFFIC IMPACT STUDY

The Zoning Administrator may require that a traffic impact study completed by qualified professional be prepared as an attachment to a site plan submitted for any development in the Township meeting the requirements of this section. The purpose of this section is to set forth the standards to be used by the Zoning Administrator in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings by East Bay Township.

1. A TRAFFIC IMPACT STUDY: shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

2. **CRITERIA FOR REQUIRING A TRAFFIC IMPACT STUDY:** The Zoning Administrator or Planning Commission may require that a traffic impact study be prepared as an attachment to a site plan for any proposed commercial, industrial, residential or mixed use development which has the potential to significantly increase traffic volumes on the surrounding roadway network. In determining the level of potential impact, the Zoning Administrator shall consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation Engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this section when, in the judgment of the Zoning Administrator, the proposed development will result in an increase of either the average daily traffic or the peak hour traffic equal to or greater than the triggering standards set forth in the following table:

Roadway Segment	Triggering Standards for Potential Increase in:	
	Average Daily Traffic (trips per day)	Peak Hour Traffic (trips per day)
◆ Munson (US-31) between Three Mile Road and the western Township limits	1,200	300
◆ Munson (US-31) between the eastern Township limits and Three Mile Road	1,000	250
◆ South Airport Road ◆ Three Mile Road between Munson (US-31 and Hammond Road. ◆ Parsons Road ◆ Hammond Road between the western Township limits and Three Mile Road	800	200
◆ Three Mile Road between Garfield Road and Hammond Road ◆ Four Mile Road between Munson (US-31) and Hammond Road ◆ Five Mile Road between Munson (US-31) and Hammond ◆ Carlisle Road ◆ Holiday Road ◆ Garfield Road ◆ Hammond Road between Three Mile Road and Five Mile Road ◆ Townline Road	500	150
◆ All Other Roadways	300	100

3. **REQUIRED STUDY CONTENT:** In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within one (1) mile of the proposed development including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within one (1) mile of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study:

- a. A narrative summary at the beginning of the report, including, but not limited to:
 - (1) The applicant and project name.
 - (2) A location map.
 - (3) The size and type of development.
 - (4) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers – publication, *Trip Generation* (current edition).
- b. Project phasing identifying the year of development activities per phase and proposed access plan for each phase.
- c. A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:
 - (1) peak-hour volumes (existing and projected)
 - (2) number of lanes
 - (3) cross-section
 - (4) intersection traffic signals and configuration
 - (5) traffic signal progression
 - (6) percentage of heavy trucks
 - (7) adjacent access point locations
 - (8) jurisdiction
 - (9) grades
- d. Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or Grand Traverse County Road Commission standards and guides.
- e. Capacity analysis shall be performed at each access point. The Township's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing. A time-space diagram should also be included.
- f. A traffic impact study on the trunkline shall be analyzed with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.

- g. Required operational changes shall be part of the site plan review and any access permit approval process.
4. **EVALUATION PROCEDURES AND CRITERIA:** As a general criteria, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
- a. The Zoning Administrator shall provide a copy of the traffic impact study to the Grand Traverse County Road Commission, TC-TALUS and the Michigan Department of Transportation (MDOT), as appropriate, for review and comment and any comments received from the Road Commission and MDOT shall be provided to the Planning Commission.
 - b. The Township shall be permitted to retain the services of an independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of such review shall be borne by the applicant.
 - c. The Planning Commission shall consider the findings of the traffic impact study and any comments received from the Grand Traverse County Road Commission, MDOT and any independent traffic engineer or transportation planner and, if the anticipated traffic impact is determined to be excessive, the Planning Commission may reject the proposed site plan under the terms of Section 820,7,1 of this Ordinance.

SECTION 228 ACCESS TO PLATTED AND CONDOMINIUM SUBDIVISIONS AND MULTI-FAMILY DEVELOPMENTS (Revised 2/27/05)

- 1. Any residential development; including a platted subdivision, condominium subdivision, or multi-family housing development, and/or non-platted land divisions, or any combination thereof; which is proposed to include more than thirty (30) dwelling units shall be located so as to have at least two (2) all season access route points, in accord with the terms of this section.
- 2. Access routes may include connection over existing public and/or private roads to one or more of the following roadways: Munson Avenue (US-31), Parsons Road, Holiday Road, South Airport Road, Hammond Road, Potter Road, Garfield Road, River Road, North Arbutus Lake Road, East Arbutus Lake Road, Hobbs Highway, North Spider Lake Road, Rasho Road, Rennie Lake Road, Supply Road, High Lake Road, Townline Road, Three Mile Road, Four Mile Road, Five Mile Road and Prouty Road. Such access shall meet all of the following requirements:
 - a. All portions of such access routes, whether within the proposed residential development or not, shall be located within sixty-six (66) foot wide rights-of-way, and

- b. All portions of such access routes, whether within the proposed residential development or not, shall be constructed and maintained as all season roadways, and
 - c. If a proposed residential development includes access over private roads, all the requirements of Section 223 of this Zoning Ordinance shall be met over the entire length of any such access.
- 3. The intersection of access routes to a proposed residential development; including a platted subdivision, condominium subdivision, multi-family housing development, and/or non-platted land divisions, or any combination thereof, with the existing public or private roads shall be separated by not less than three hundred (300) feet, measured centerline to centerline. Provided, however, that if a greater separation distance is required by other Sections of this Ordinance, by the Grand Traverse County Road Commission or the Michigan Department of Transportation, then such greater separation distance shall apply. A closed loop roadway configuration beginning and terminating at essentially the same point with a boulevard cross-section shall be regarded as not more than one (1) means of access.
- 4. Any proposed residential development; including a platted subdivision, condominium subdivision, multi-family housing development, and/or non-platted land divisions, or any combination thereof; shall be designed to meet the following standards:
 - a. Where the lands adjacent to a proposed development are not subdivided at the time of site plan submittal, the street network internal to the proposed development shall be arranged to provide for connection of the development with a future residential neighborhood on the adjoining parcel.
 - b. Where lands adjacent to a proposed development are developed or subdivided, the street network internal to the proposed development shall provide for connection of the proposed development to the street network of the adjacent subdivided lands; provided the street network of such adjacent development is designed to accommodate such connection.
- 5. The requirements of this Section 228 shall apply to any new residential plated subdivision, condominium subdivision, multi-family housing development and/or non-platted land divisions, or any combination thereof, or any expansion of an existing residential subdivision, condominium subdivision, multi-family housing development and/or non-platted land divisions that causes the entire development to consist of more than thirty (30) dwelling units.

SECTION 229 LANDSCAPING AND BUFFERING (Revised 6/24/06)

Where the terms of this ordinance require landscaping and/or buffering on a site plan or for a special land use, the standards of this section shall be followed:

- 1. **REQUIRED STANDARDS:** The following table shall be applied to determine the standards of this section that shall apply to proposed developments:

Project Description	Landscape Plan Requirements
Single-family detached units with fewer than ten units	None
Single family detached units with at least 10 units but not more than 20 units	Minor Landscape Plan, per paragraph 2 hereof
Single family detached units with 21 or more units, regardless of phasing, and mixed use developments	Complete Landscape Plan, per paragraph 3 hereof
Multiple family dwelling project of fewer than 20 units	Minor Landscape Plan, per paragraph 2 hereof
Multiple family dwelling project of 20 or more units	Complete Landscape Plan, per paragraph 3 hereof
Commercial, office or institutional development, including permitted uses and special land uses	Complete Landscape Plan, per paragraph 3 hereof, unless waived or modified pursuant to paragraph 4 hereof.

2. **MINOR LANDSCAPE PLAN:** A minor landscape plan, shall include detail on any proposed entry feature, such as an identifying sign or boulevard, as well as any mechanism to preserve and protect any existing vegetation on the site. This may include limitations on tree removal, reforestation requirements, street trees and any specimen plantings. In addition, a minor landscape plan shall include a viable mechanism acceptable to the Planning Commission to assure that the landscape plan will be implemented and maintained. Nothing in this section shall prohibit an applicant from providing additional detail or information as described in sub paragraph 3 hereof.
3. **COMPLETE LANDSCAPE PLAN:** A complete landscape plan shall be prepared in accordance with the following standards.
 - a. A landscape plan required under the terms of this section shall be prepared by a Registered Landscape Architect or by a qualified landscape designer with a minimum of 5 years experience in landscape design, planning and construction. Such landscape plan shall provide, to the greatest extent possible, for the preservation and protection of existing natural features on the site. The standards of the **Grand Traverse Bay Region Development Guidebook**, latest printing, shall be followed in the preparation of such landscape plan. The landscape plan shall address at least the following items, in addition to section 820.5, c, 15;
 - 1) An inventory of existing trees, wood lots, streams, lakes, wetlands, view sheds and other natural features of the site and detail on the measures proposed to preserve and protect such features.
 - 2) All proposed planting areas for grass, trees, shrubbery and other green space intended to protect the natural features and character of the site shall be illustrated in the landscape plan. Such illustration shall include the species proposed, the number of plantings, the size of such plantings including the caliber and height, irrigation measures proposed and related information.

- 3) The location and nature of lighting, signs, utility fixtures, earth changes, street scape and any other matter that affect the appearance of the site.
- b. In all developments other than single-family detached developments, all lots shall have a minimum of twenty-five percent (25%) of total lot area devoted to landscaped open space, of which thirty percent (30%) of this area shall contain woody vegetation, consisting of trees and shrubbery. Landscaped open space shall not include driveways and parking areas. To the greatest extent possible, existing trees over five inches (5") diameter at breast height, shall be retained and protected. Areas of a site plan intended for stormwater detention or retention shall only be included in such required minimum landscaped area if formally landscaped with shrubbery and turf and contoured such that no fencing shall be required.
 - c. All required site plans shall include the location of all existing trees having five (5) inches or greater diameter breast height, identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. A cluster of trees standing in close proximity (3-5 feet or closer) may be designated as a "stand" of trees, and the predominant species, estimated number, and average size shall be indicated.
 - d. The area between the edge of the street pavement and property line, with the exception of paved driveways, sidewalks and parking areas permitted by this ordinance, shall be used exclusively for the planting and growing of trees, shrubs, lawns, and other landscaping designed, planted and maintained to serve as a healthy and attractive amenity on the site.
 - e. In the event a proposed development includes uses more intense in terms of noise, lighting, traffic, residential density or similar impacts than an existing adjoining use, the landscape plan shall include provision for plantings or other aesthetic screening to mitigate and lessen the potential impact on such adjoining land use.
 - f. The applicant shall replace any trees, shrubbery or other plantings that fail to become established and remain viable for a period of two years following completion of all construction on the site. In accordance with Section 830, the Township shall require an irrevocable bank letter of credit, certified check or cash in an amount as determined by the Township, which shall be sufficient to assure the establishment of a viable landscaped area. In the event any of the landscaped materials do not become established and the applicant shall fail to provide a viable replacement, the Township shall utilize such irrevocable bank letter of credit, certified check or cash to install replacement landscaping materials. After two years of demonstrated viability of all landscape materials, the remaining balance, if any, of such irrevocable bank letter of credit, certified check or cash shall be returned to the applicant.
 - g. All landscaped areas required pursuant to this section shall be equipped with a watering system capable of providing sufficient water to maintain plants in a healthy condition. Irrigation systems shall be maintained in good working order.

4. The Planning Commission may waive or modify any requirement of this section as not applicable to particular development circumstances and providing that such waiver does not detract from the aesthetics or quality of the natural environment of the Township.

SECTION 230 SETBACK STANDARDS IN MULTIPLE UNIT DEVELOPMENTS

In developments consisting of multiple buildings such as multiple-family apartments, office parks and condominium projects, but not including subdivisions or condominium subdivisions, buildings shall be setback sufficiently from driveways and common access areas to permit safe and efficient pedestrian and vehicular traffic flow. If parking is permitted in driveways, the site plan shall provide sufficient area between buildings and access drives to permit such parking without obstructing vehicular or pedestrian traffic within the development.

SECTION 231 FOREST LAKES OVERLAY DISTRICT **(Revised 12/8/08, 10/25/16, 6/12/2017 and 10/8/18)**

1. **INTENT:** The inland lakes of East Bay Charter Township are a defining characteristic of the community. The Township's future land use plan clearly establishes the protection of natural features as a key goal of the Plan. That goal states,

“The citizens of East Bay Township will continue to enjoy the rural character of the community as manifested in the expansive views of the Bay, the rolling hills, inland lakes and woods. The rural character will be defined by clean lakes and streams, clear air, native wildlife and the clarity of the star-filled night skies. A central purpose of this Comprehensive Plan is the preservation of these valuable assets for current and future residents.”

Accordingly, this section is intended to promote the preservation of natural features around and near lakefronts that are characterized by their current natural state, to protect water quality, and regulate development and the use of property which has water frontage along an inland lake through the application of land use and development standards which shall apply in addition to any and all standards within the underlying zoning district.

2. **APPLICABILITY:** The standards of this Section 231 apply to all lands in the Township meeting both of the following requirements: **(Revised 10/8/18)**
 - a. Located within an area five hundred (500) feet or less from the ordinary high watermark of Arbutus Lake, Spider Lake, Rennie Lake, High Lake, Chandler Lake, Vandervoight Lake, Indian Lake, Perch Lake, Spring Lake, George Lake, Tibbets Lake, and Bass Lake; and
 - b. Containing topographic contours such that stormwater from the parcel drains directly or indirectly into such lakes.

3. **PERMITTED USES:** All uses permitted by right or as special land uses permitted within the underlying zoning district shall be permitted pursuant to said underlying standards; provided, however, that within the Forest Lakes Overlay, residential subdivisions consisting of two or more residential building sites or two or more residential structures under any lawful form of ownership, including but not limited to ownership subject to or created under the Land Division Act or the Michigan Condominium Act, whether undertaken as cluster or traditional form shall be treated as special land uses Subject to the terms of Article 6, pursuant to Section 231.
4. **DISTRICT REGULATIONS:** Except as modified by the terms of this Section 231, all district dimensional and development standards of the underlying zoning district shall apply in the Lakes Area Overlay district.
5. **APPLICATION REQUIREMENTS:** In addition to the requirements of Section 820, site plans for residential subdivisions consisting of two (2) or more residential building sites or two or more residential structures under any lawful form of ownership, including but not limited to ownership subject to or created under the Land Division Act or the Michigan Condominium Act, or any special land use, within the overlay area as described in Section 231, 2, shall include:
 - a. **Survey.** A topographic survey rendered at not greater than two (2) foot contours for all portions of the site which is proposed to be developed or disturbed together with the adjoining area for a distance of not less than one hundred (100) feet from any area of development or disturbance. Said survey shall be sealed by a surveyor licensed to practice in Michigan.
 - b. **Tree Inventory.** An inventory of all trees with a diameter at breast height of at least eight (8) inches existing within all portions of the site which is proposed to be developed or disturbed together with the adjoining area for a distance of not less than one hundred (100) feet from any area of development or disturbance. For the purposes of this inventory a cluster of trees standing in close proximity of five (5) feet or closer may be designated as a “stand” of trees, and the predominant species, estimated number, and average size shall be indicated.
 - c. **Environmental Assessment.** Unless waived, in whole or in part, by the Township Engineer, an environmental assessment meeting the requirements of this section. The Township Engineer may waive all or any part of the requirement for an environmental assessment upon a finding that
 - ◆ The degree of environmental impact presented by the proposed development is comparable to that from existing development patterns and thus so inconsequential as to make the environmental assessment unnecessary, and;
 - ◆ The site clearly does not include any sensitive areas, such as, but not limited to, wetlands, hydric soils, steep slopes, or similar features, and;
 - ◆ The proposed development would not involve any land form change or disturbance within one hundred (100) feet of any body of water, or;

- ◆ The proposed development would be regulated by any federal or state regulation or statute which would require the preparation of an environmental assessment substantially equivalent to the requirements of this Section.
- 1) An Environmental Assessment shall be a summary review of the environmental impacts of a project. Its purpose will be to provide relevant information to the Planning Commission on the potential environmental impact of applications for site plan approval related to larger projects that may have a substantial impact on the Forest Lakes Area Overlay District.
 - 2) Guidelines. When required by this ordinance, an applicant for site plan approval shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the Comprehensive Plan, this ordinance and, specifically, this Overlay District. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission may request further elaboration. The Township Engineer may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.
 - 3) Content. The following material may be required and/or addressed in the Environmental Assessment, unless specifically waived by the Township Engineer, as not applicable:
 - (a) A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:
 - i Flora and fauna (be sure to list any endangered species on-site)
 - ii General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features
 - iii Adjacent waterways

- iv Existing wells, approximate depth and use
 - v Existing topography of the site rendered by a land surveyor at not more than two-foot intervals
 - vi A characterization of soil types and slopes
- (b) A description of any existing contamination on-site. This should include a description of any Phase I and/or Phase II Environmental Site Assessment conducted pursuant to ASTM-E1527 Standard Practice for Environmental Site Assessment. It must describe the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.
- (c) If the proposed project will impact any shoreline areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
- (d) A description of the existing soils on-site and a statement as to the suitability of these soils for the proposed use. At a minimum, in areas that will be disturbed by construction activities, hand auger borings will be conducted with sufficient depth and frequency to evaluate potential erosion and sedimentation risk.
- (e) A description of any known historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.
- (f) A description of any emissions from the proposed development as it relates to air quality. This will include any construction-related impacts from dust or burning. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
- (g) A description of significant hazardous materials or waste to be generated or stored on-site, as defined in part 201 of Act 451 of 1994. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
- (h) A description of any storm water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.

- (i) If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
 - (j) A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
 - (k) A description of the anticipated traffic to be generated by the proposed use.
 - (l) A description of plans and timetable for site restoration after construction.
 - (m) A description of methods to handle sanitary waste for the project both during construction and after completion.
 - (n) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval. It shall also address mechanisms to contain runoff and sedimentation resulting from a well drilling operation to prevent sedimentation impacts on surface water or vegetation.
 - (o) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.
 - (p) Chain of title history from abstract company detailing easements, deed restrictions or other encumbrances.
- 4) The professional resume of the preparer shall be included with the submitted document.
 - 5) The Zoning Administrator may submit the study to a recognized consultant(s) in the field for review and independent comment. The cost of any such review shall be borne by the applicant.
- d. Landscape Plan. A landscape plan incorporating the provisions of Section 229 together with proposed finished grade contours and detail on all species to be installed and protected on the site.
- 6. DEVELOPMENT STANDARDS: In addition to the development requirements for the Lakes Area and Natural Area Zoning districts, the following standards shall apply to all properties located within the Forest Lakes Overlay District.
 - a. Impervious Surface. Impervious surfaces, including roof tops, concrete or asphalt pavement and similar materials shall comprise not more than twenty percent (20%) of the gross site area. Provided, however, that the Planning Commission may permit greater areas of imperviousness where measures acceptable to the Drain Commissioner or pursuant to the Stormwater Control Ordinance are proposed

- b. Slope Protection. No development or disturbance shall be permitted on slopes of 80% or more regardless of soils type nor on slopes of 50% to 79% consisting of highly erodible soils, as defined in the Grand Traverse County Soil Survey. Development on moderately erodible soils slopes of up to 79% shall conform to the requirements of the Stormwater Control Ordinance.
- c. Vegetation Filter and Buffer Strips. For any new development or any parcel where development, tree removal, or land form change is proposed within 50 feet of the ordinary high water mark, natural native vegetation shall be retained over 80% of the area extending 30 feet inland from the ordinary high watermark and running the width of the lot, and over 50% of the area beginning 30 feet inland from the ordinary high water mark and extending inland an additional 20 feet to the rear setback line. **(Revised 10/8/18)**

The removal of live deciduous trees of eight (8) inches diameter at breast height (dbh) or greater or live evergreen trees exceeding ten (10) feet in height within the vegetation filter and buffer strip without prior approval shall be deemed a violation of this section and subject to a fine of up to \$500 per day of violation until the replacement trees are planted.

Replacement of the removed tree(s) shall be completed within 60 days, weather permitting, with a native species of tree measuring a minimum three (3) inches caliper for deciduous trees and six (6) feet in height for evergreens, in approximately the same location as the removed tree.

If a tree has been removed, the diameter of removed trees may be estimated by measuring the remaining stump or logs, review of prior plans/permits, or by use of photographs.

Those found in violation of this section may file an appeal of the decision to the zoning board of appeals, subject to the requirements and procedures of Article X.

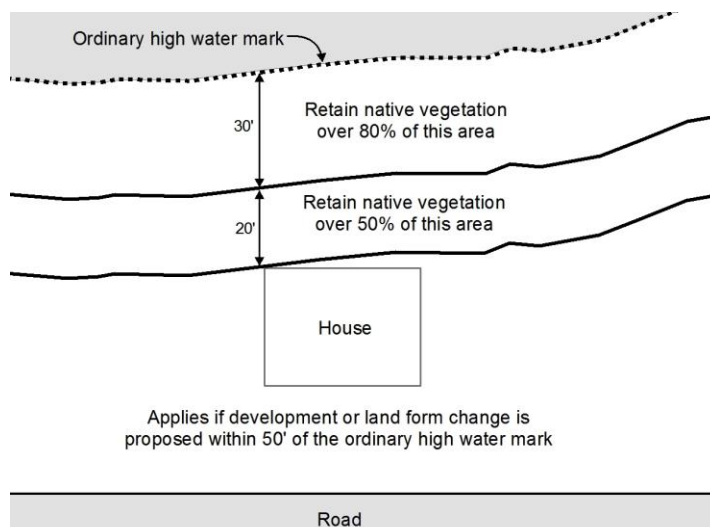


Figure 2.5 Vegetation and Buffer Strips Illustration

- d. Landscaping. New development or redevelopment involving the disturbance of more than ten thousand (10,000) square feet of a site shall include a landscape plan meeting the following standards.
- 1) All proposed plantings to be incorporated or retained shall be identified and listed. Preferred species shall include native hardwoods, conifers and shrubs, as set forth in the New Designs for Growth Development Guidebook.
 - 2) Invasive, non-native and exotic plantings shall be prohibited.
 - 3) Turf grass areas shall be limited to no more than 20% of the area extending thirty (30) feet inland from the ordinary high watermark and no more than 50% of the area beginning thirty (30) feet inland from the ordinary high water mark and extending inland an additional twenty (20) feet.
 - 4) There shall be no limitation on the use of annual plant species.
- e. Artificial Beaches. The installation of artificial beaches proposed as part of new development in the Forest Lakes Area Overlay shall be regulated by the Drain Commissioner and may not exceed fifteen (15) feet in depth as measured perpendicular to the ordinary high water mark and equal in width to ten percent (10%) of the length of the water frontage of the lot or ten (10) feet, which ever is greater. Any such artificial beach area shall not reduce the extent of native vegetation that may be required under subparagraph 6, c, hereof.
- f. Shoreline Structures. Any permitted new accessory structure, such as accessory buildings, stairways, docks, decks or other man-made structure permitted under this section, shall be constructed of wood, or if constructed of metal or composite material, shall be finished with a non-glossy or non-reflective surface, paint or powder coat material to prevent glare and to blend well with the natural surroundings. Docks, boat lifts and similar structures shall be located in conformance with the sideyard setback requirements and such sideyard setback lines shall be extended to include bottom lands on any waterfront lot.
(Revised 2/8/10 and 4/24/11)
- g. Subject to the terms of subparagraph 6, c, of this Section, stairways, stairway landings, deck paths and similar accessory structures may be located between the ordinary high water mark and the required 50-foot waterside setback line. The walking surface of such structures shall be not more than five (5) feet in width measured generally perpendicular to the path of travel. Stairways shall be constructed in accordance with the requirements of the Michigan Building Code for exterior stairways. Such structures shall be located in conformance with the required side yard. **(Revised 2/8/10)**
- h. Waterside decks may be permitted to be located less than fifty (50) feet of the ordinary high water mark, under the following conditions: **(Revised 2/8/10)**
- 1) Such waterside deck shall be mounted on pillars or posts with the deck surface placed at an elevation of at least six (6) inches and not more than sixty (60) inches above the mean grade beneath such deck,

- 2) Such waterside deck shall be located not less than ten (10) feet from any side lot line.
 - 3) The maximum area of a waterside deck shall be two hundred (200) square feet and any such waterside deck shall not reduce the percentage of native vegetation required to be established and maintained pursuant to subparagraph 6, c, of this Section.
 - 4) A waterside deck shall not have a roof or other permanent impervious surface. This section shall not be interpreted to prohibit roll-up canopies, umbrellas or other temporary shade-providing furnishings.
 - 5) A proposed waterside deck shall not be constructed until a site plan meeting the requirements of Section 820, has been submitted and a land use permit has been issued therefore by the Zoning Administrator, subject to Section 803.
- i. Fences and walls shall be prohibited from being either constructed, installed, or extended into the required 50 foot filter and buffer strips of the Forest Lakes Overlay District. **(Revised 6/12/17)**

SECTION 232. MEDICAL MARIHUANA PRIMARY CAREGIVER FACILITY

(Revised 4/24/11)

1. **PURPOSE AND INTENT:** It is the purpose of this section to give effect to the intent of Initiated Act 1 of 2008, the Michigan Medical Marihuana Act (the MMMA) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in East Bay Charter Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.
2. **FINDINGS:** This Section is based on the following findings:
 - a. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
 - b. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and if its use is not carefully monitored and regulated, there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of East Bay Charter Township.

- c. In other States where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
 - d. East Bay Charter Township neither supports nor opposes the legitimate medicinal use of marihuana by Qualifying Patients in compliance with the MMMA, but finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.
3. PERMITTED USE: The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted land use limited only to the Industrial Zoning District, subject to the land use permit requirements of Section 803 and the site plan requirements of Section 820, 6, b, and the requirements of this Section.
4. REVIEW STANDARDS: An application for a Primary Caregiver Facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:
 - a. Primary Caregiver Facility. All marihuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to paragraph “e” hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
 - b. Limits on Quantities. A Primary Caregiver shall not possess more marihuana than 2.5 ounces or 12 marihuana plants for each Qualifying Patient to which he/she is connected.
 - c. Combined Operations Prohibited. No more than one Primary Caregiver shall occupy any growing or storage facility and combined growing, storage or transfer facilities shall be prohibited.
 - d. Isolation Distance. A Primary Caregiver facility shall be located no closer than 1,000 feet from any school, church, day care facility, park or dwelling. A Primary Caregiver facility shall be located no closer than 300 feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.

- e. Dispensing Medical Marihuana. No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
- f. Prohibited Activities. A Primary Caregiver Facility shall not be used as a medical marihuana dispensary or compassion club and no smoking or otherwise ingesting of medical marihuana shall be permitted on site. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.

SECTION 233. KEEPING OF CHICKENS (Revised 5/5/12)

- 1. In the LDR, MDR and LA districts a maximum of four (4) hens may be kept per parcel, if kept in accord with this section. Roosters are prohibited.
- 2. Slaughtering chickens outdoors shall be prohibited.
- 3. Chickens shall be provided, and maintained within, a fully enclosed shelter located within the rear yard. Such enclosure shall be located in accord with rear setback standards for the respective districts but shall not be located closer than 25 feet to any side lot line.
- 4. No chickens shall be kept on parcels with more than one dwelling.
- 5. In the NA, RR, BR and AG districts, the keeping of chickens shall be permitted, if conducted in accordance with Generally Accepted Agricultural Management Practices as promulgated by the Department of Agriculture.

SECTION 234 BED AND BREAKFAST

- 1. DEFINITION: Bed and Breakfast establishments are a private residence that offers sleeping accommodations to tourists and is the innkeeper's residence in which the innkeeper resides while renting the rooms to tourists. A Bed and Breakfast Establishment shall not be a home occupation.
- 2. REGULATIONS AND CONDITIONS:
 - a. BASIC STANDARDS: It is the intent to establish reasonable standards for Bed and Breakfast establishments to assure that:
 - 1) The property is suitable for transient lodging facilities.
 - 2) The use shall be compatible with other allowed uses.
 - 3) The impact of the establishment is no greater than that of a private home with house guests.
 - 4) All bed and breakfast establishments must comply with all State laws relative to life safety.

- 5) There is adequate site area and landscape buffering to accommodate the bed and breakfast, ancillary activities, and off-street parking without adversely impacting neighboring properties.
 - 6) A bed and breakfast establishment containing four or more guest rooms shall be subject to a special land use review and approval by the Planning Commission utilizing the criteria and review standards contained within this section, as well as those found in Sections 600 through 602. Establishments with three or fewer rooms must obtain a Land Use Permit from the Office of Planning and Zoning.
 - 7) All signs shall be in accordance with Section 215 Signs of this Zoning Ordinance.
 - 8) All parking shall be in accordance with Article VII Off Street Parking and Loading Regulations of this Zoning Ordinance.
 - 9) All landscaping and buffering shall be provided in accordance with Section 229 Landscaping and Buffering of this Zoning Ordinance.
- b. SPECIFIC STANDARDS: The following requirements together with any other applicable requirements of this Ordinance shall be complied with:
- 1) The minimum lot size shall be as pursuant to the District minimum for Single Family Dwellings.
 - 2) Bed and Breakfast establishment shall be allowed on lots, sites, or parcels, including legal nonconforming lots, sites, or parcels, which do not meet the established lot or building site size requirements for the district in which they are allowed.
 - 3) Parking; One (1) space per rental sleeping room plus two per owner occupant.
 - 4) The establishment shall have at least two (2) exits to the outdoors.
 - 5) The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - 6) The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
 - 7) The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
 - 8) Use of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited unless the recreational activities are included within a separate special land use approval by the Planning Commission for establishments with three or less guest rooms or included within the same special land use approval for establishments with four or more guest rooms.
 - 9) The keeping of domestic pets of traveling tourists are prohibited.

- 10) Special land use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- 11) A site plan shall include a floor plan layout of the proposed structure drawn to a legible scale that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.
- 12) Prior to issuance of the special land use permit, per State statute, bed and breakfast establishments with more than eight guest rooms must provide evidence of obtaining the necessary Grand Traverse County Health Department license.
- 13) No outdoor guest accommodations in tents, yurts, Recreational Vehicles (RVs) or similar structures is permitted.
- 14) Accessory Dwelling Units (ADUs) may not serve as guest rooms.

SECTION 235 ACCESSORY DWELLING UNIT (Revised 2/12/18 and 2/10/2020)

INTENT AND PURPOSE: To permit accessory dwelling units in a manner that enhances single family residential neighborhoods, provides affordable housing options, and helps residents of East Bay Charter Township meet their housing needs.

1. **GENERAL PROVISIONS:** Accessory dwelling units shall be a permitted use by right for those parcels meeting the minimum lot area requirements of the LDR (low density residential), MDR (moderate density residential), HDR (high density residential), and EBC (east bay corners) zoning districts, subject to the owner occupant first receiving an approved land use permit from the zoning administrator.
 - a. Accessory dwelling units shall be clearly an accessory use to an owner-occupied single-family dwelling.
 - b. The owner-occupant shall meet the requirements for a principal residence tax exemption.
 - c. A maximum of one (1) accessory dwelling unit shall be permitted per single family residential parcel.
 - d. Applicants for an accessory dwelling unit located within the township's growth boundary shall provide the zoning administrator with certification from the department of public works confirming both the water supply and sewage disposal facilities are adequate for the projected number of residents on the property from both the principal single-family dwelling and the accessory dwelling unit.
 - e. Detached accessory dwelling units and those attached accessory dwelling units which function as a separate habitable unit shall have the required number of residential equivalent unit (REU) benefits and purchase any additional REU benefit(s) needed when served by the department of public works.

- f. Unless submitted with a proposed new principal single family dwelling, separate site plans, floor plans, and elevation drawings of the accessory dwelling unit shall be submitted with the application for a land use permit.
- g. The accessory dwelling unit shall be and remain registered with the Office of Planning & Zoning.
- h. Accessory dwelling units shall not be used as short-term rentals of less than 30 days.
- i. The land use permit for an accessory dwelling unit shall be subject to revocation upon a finding by the zoning administrator of noncompliance with the provisions and requirements contained within Section 234.

3. DESIGN REQUIREMENTS:

- a. An accessory dwelling unit may be incorporated into either an existing single-family dwelling or a new single-family dwelling.
- b. In no case shall an accessory dwelling unit be less than 250 square feet in floor area, nor shall exceed 52 percent of the floor area or 1,000 square feet in floor area, whichever is less, of the principal single-family dwelling.
- c. One (1) additional off-street parking space shall be required for an accessory dwelling unit which is incorporated into a single-family dwelling. Two (2) additional off-street parking spaces shall be required for a detached accessory dwelling unit.
- d. Accessory dwelling units shall be designed, constructed, and maintained in a manner which is architecturally consistent and harmonious with the principal single-family dwelling.
- e. Exterior stairways shall be prohibited for accessory dwelling units.

Any entrance for an accessory dwelling unit shall not face the road unless the entrance existed prior to the accessory dwelling unit being proposed.

ARTICLE III
ZONING DISTRICTS, USES TABLE AND MAP

SECTION 300 DIVISION INTO DISTRICTS (Revised 6/12/17)

For purposes of this Ordinance the unincorporated area of East Bay Township are divided into the following districts:

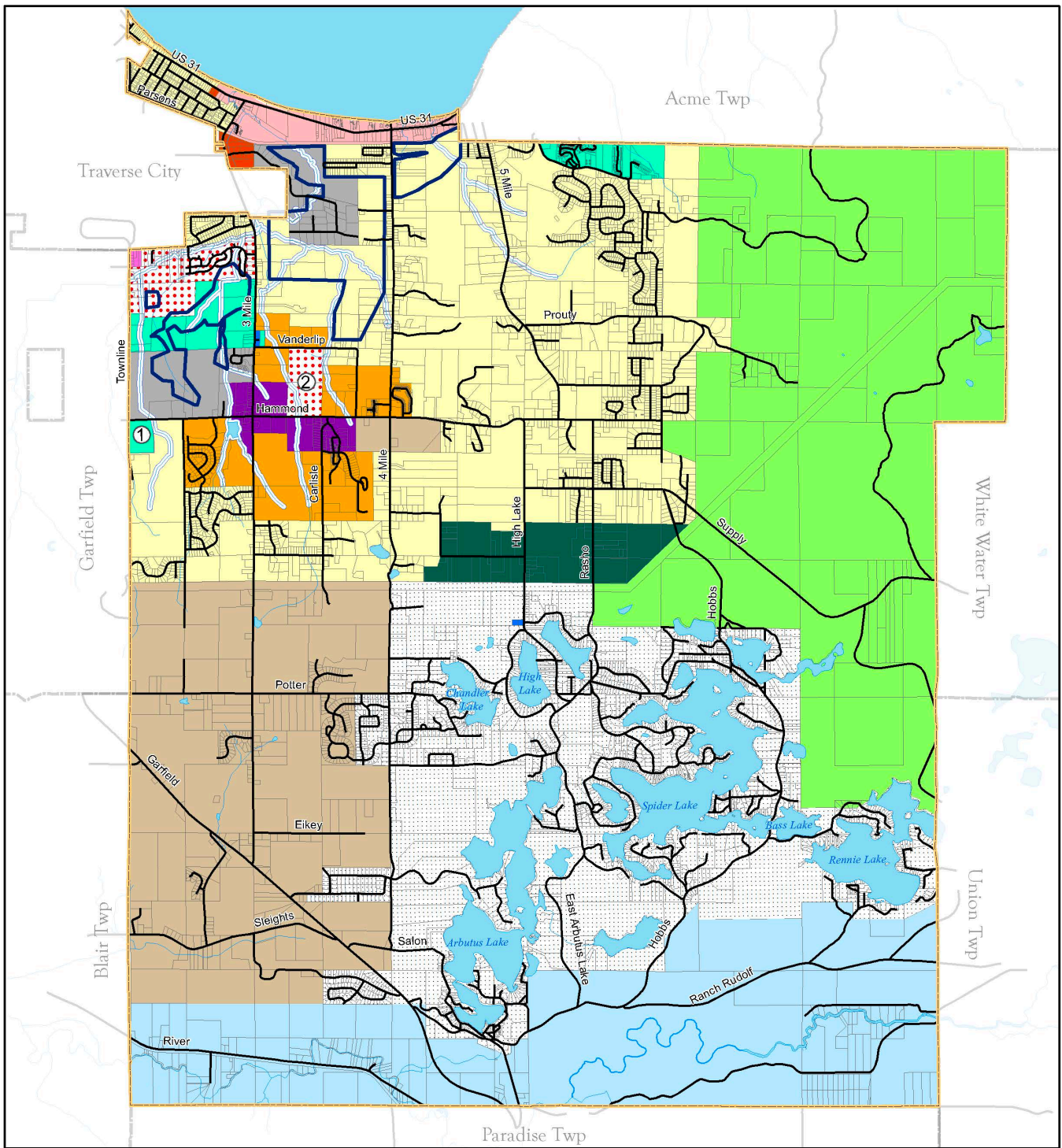
LDR	Low Density Residential	MHC	High Density Residential, Mfg. Housing Community
MDR	Moderate Density Residential	HDR	High Density Residential
IND	Industrial	RR	Rural Residential
AG	Agriculture	LB	Local Business
LA	Lakes Area	RB	Regional Business
BR	Boardman River	VC	Village Center
NA	Natural Area	AS	Airport Services
AS	Airport Services	PO	Professional Office
PNR	Pocket Neighborhood Residential		

SECTION 301 ZONING MAP

The areas assigned to the districts are shown upon the map entitled "East Bay Township Zoning Map" as amended through January 27, 2014 which is hereby made a part of this Ordinance. (page III-2). Said map shall at all reasonable times be available for examination and shall be kept with the records of the Township Clerk. (Revised 1/27/14)

SECTION 302 DESCRIPTIONS OF ZONING DISTRICTS

These districts shall be as outlined and described on the zoning map and any boundary disputes shall be resolved by the Zoning Board of Appeals by interpretation of said map.



East Bay Charter Township

Grand Traverse County, Michigan

Zoning

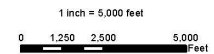
Effective: May 22, 2003
as amended through December 31, 2019

Legend

- Mitchell and Baker Creek Overlay District
- 100' Stream Buffer
- AG, Agricultural
- RR, Rural Residential
- LDR, Low Density Residential
- MDR, Moderate Density Residential
- HDR, High Density Residential
- MHC, High Density Residential & Manufactured Housing
- LA, Lakes Area
- NA, Natural Area
- BR, Boardman River
- EBC, East Bay Corners
- LB, Local Business
- PO, Professional Office
- RB, Regional Business
- AS, Airport Services
- IND, Industrial

Conditional Rezoning:

1. Ord. #1-19, PPN 03-230-005-00 from IND to HDR
2. Ord. #3-18, PPN 03-220-039-00 & PPN 03-220-035-00 from MDR to MHC



williams&works
engineers | surveyors | planners

SECTION 303

LAND USE TABLE

(Revised 1/27/14, 12/24/16, 6/12/17, 5/14/18, and 2/10/2020)

Table 3-1 Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

EAST BAY TOWNSHIP

Table 3-1 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; * Indicates districts in which certain uses do not require site plan review by the Planning Commission, however such uses may require review by the Zoning Administrator)

USES	LDR	MDR	HDR	MHC	RR	LB	EBC	RB	PO	IND	AG	LA	BR	NA	AS	PNR
Accessory Bldg. ≤ footprint principal structure	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*		R
Accessory Bldg. ≤ 150% of principal structure footprint on parcels of less than 40,000 sq. ft	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU					
Accessory Bldg. ≤ 150% of principal structure footprint on parcels of 40,000 sq. ft. or more	R*	R*	SLU	SLU	R*	R*	SLU	SLU	SLU	R*	R*	R*	R*	R*		
Accessory Bldg. > 150% of the principal structure footprint	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU		
Accessory Uses, Rel. to uses permitted by right						R*		R*	R	R	R	R	R	R	R	R
Adult Businesses								SLU								
Agricultural Service Establishment											SLU					
Airport											SLU					
Animals					R						R					
Antique Store							R	R							R	
Appliance, repair and sales						R	R								R	
Architecture, Design & Engineering										R					R	
Bakery or Confectionery Shop							R								R	
Bank						R	R		R						R	
Bed & Breakfast with 3 or less guest rooms	R	R	R		R		R				R	R				
Bed & Breakfast with 4 to 10 guest rooms	SLU	SLU	SLU		SLU		SLU				SLU	SLU				
Billboards								SLU								
Boat, Motor Sales & Repair												SLU			R	

USES	LDR	MDR	HDR	MHC	RR	LB	EBC	RB	PO	IND	AG	LA	BR	NA	AS	PNR
Book Store							R								R	
Building, Electrical, Mechanical & Plumbing							SLU			R					R	
Cabin Courts												R				
Camps and Campgrounds												R		SLU		
Car Wash, connected to public sewer						R	SLU	SLU							R	
Cemeteries	SLU										SLU					
Civic Club											SLU					
Combinations of Uses							SLU	R/SL U	R/SL U						R	
Commercial Agriculture											R					
Commercial Establishments w/ Drive-Thru						SLU	SLU ⁴	SLU								
Commercial Recreation, assoc. w/ residential																
Commercial Recreation, skiing, golf	R										R					
Construction Equip. Sales & Supplies						SLU				R						
Convenience Store, excluding fuel service								R							R	
Day Care, Group 7-12 children	SLU	SLU	SLU	SLU	SLU		R				SLU					
Day Care Center or Child Care Center			SLU	SLU		SLU	SLU								R	
Drug Store							R	R							R	
Dwelling, Two-Family	R/SL U ³	R	R				R									
Dwelling, multiple		R	R	R			R	SLU							R	
Dwelling, single family detached	R*	R*	R*	R*	R*	SLU	R				R*	R*	R*	R*		
Education Facilities	SLU	SLU	SLU	SLU	SLU		SLU				SLU					
Essential Service Facility, Major	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU ₂		SLU ²		
Essential Service Facility, Routine	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R
Fabrication & Assembly										R						
Farm, operations and farm buildings											R					
Fitness Center							SLU	SLU		SLU					R	
Floral Shop							R								R	
Forestry & Wildlife management											R		R	R		
Foster Care, Adult (7-12 residents)		SLU	SLU	SLU	SLU						SLU				R	
Foster Care, Adult (13+ residents)			SLU	SLU		SLU									R	
Galleries, art, craft and hobby stores							R								R	
Gasoline Station						R	R								R	

USES	LDR	MDR	HDR	MHC	RR	LB	EBC	RB	PO	IND	AG	LA	BR	NA	AS	PNR
Gift & Souvenir Shop							R	R							R	
Golf Courses, and related accessory uses	R										R					
Gravel Pit											SLU					
Greenhouses & Nurseries					R		R				R					
Grocery Store, without gasoline pump						R	R	R							R	
Grouped Housing, multi-family		R	R	R											R	
Hardware Store						R	R								R	
Home Occupation	R	R	R	R	R		R				R	R	R	R	R	R
Hotels & Motels							SLU	R							R	
Industrial Clustered Sub-Division										R						
Jewelry Store							R	R							R	
Keeping of Horses												R	R	R		
Kennels & Animal Clinic											R					
Laboratories										R						
Laundromat							R								R	
Laundry & Dry Cleaning Establishment						SLU	R	SLU								
Limited Retail Sales										SLU					R	
Lodging and Boarding House			R	R												
Manufactured Housing Community				R												
Manufacturing & Processing										R						
Marinas, uses incidental thereto								R								
Medical Marihuana Primary Caregiver Facility										R						
Mini-Warehouse, Self-Store 8K sq ft, or less			SLU	SLU	SLU	SLU				R	SLU	SLU				
Mini-Warehouse, more than 8k sq ft										R						
Mortuary									SLU						R	
Neighborhood Local Business							R					SLU			R	
Nursing Home			R	R											R	
Office Clustered Sub-Division									R						R	
Outdoor storage, up to 4 Recreation Vehicles					R						R*	R*	R*	R*		
Packaging, Canning & Bottling										R						
Party, Drugs and Notions Store						R		R							R	
Permanent Docks												R				
Personal Services						R	R	R							R*	
Personal Wireless Communication Facilities	SLU ⁵				SLU	SLU		SLU	SLU	SLU	SLU	SLU	SLU	SLU		

USES	LDR	MDR	HDR	MHC	RR	LB	EBC	RB	PO	IND	AG	LA	BR	NA	AS	PNR
Photographic, developing, sales & supplies								R							R	
Places of Public Assembly, Large & Small	SLU	SLU	SLU	SLU	SLU	R	R	R			SLU					
Planned Unit Development	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU		
Printing, Publishing & Allied Industries										R						
Professional Offices						R	R	R	R	R					R	
Publicly and privately owned and operated parks, preserves, open-space, and conservation areas	R	R	R	R	R		R	R			R	R	R	R		R
Public Recreational Facility, excluding carnival								R								
Publicly Owned Bldgs, exchanges, util. Office									R							
Purchase of Development Rights (PDR)					R						R		R	R		
Recreation Facilities								R								
Recreation, accessory to industry										R						
Research, Development & Testin										R						
Restaurant						R	R	R							R	
Roadside Stands											R					
Seasonal Merchandise Sales							R									
Shore Improvements												R*				
Shore Structures												R*				
Showroom for Office & Building Trades						R				R					R	
Sporting, Recreation & Bicycle Shop							R	R							R	
Studio for performing and graphic arts							R								R	
Subdivision, Plat or Condominium – Residential	R	R	R	R	R						R	R ¹	R	R ¹		
Subdivision - Cluster, Plat or Condominium – Residential	R	R	R	R	R						R	R ¹	R	R ¹		
Subdivision, Plat or Condominium – Commercial						R		R							R	
Subdivision – Cluster, Plat or Condominium - Commercial						R		R							R	
Subdivision, Plat or Condominium - Industrial										R						
Subdivision – Cluster, Plat or Condominium – Industrial										R						

USES	LDR	MDR	HDR	MHC	RR	LB	EBC	RB	PO	IND	AG	LA	BR	NA	AS	PNR
Subdivision, Plat or Condominium – Office									R						R	
Subdivision – Cluster, Plat or Condominium – Office									R						R	
Temporary Docks												R	R			
Township Uses	SLU						R					R				
Uses Similar to Uses Permitted by Right						R		R	R						R	
Vehicle Repair Facilities										SLU						
Video Store						R	R	R							R	
Walkways, elevated, open or enclosed								R								
Warehousing. Products produced on premises										R						
Wearing Apparel, Accessory & Shoe Store						R	R	R							R	

Notes*

- 1 Within the Forest Lakes Overlay District, residential subdivisions consisting of two or more residential building sites or two or more residential structures under any lawful form of ownership, including but not limited to ownership subject to or created under the Land Division Act or the Michigan Condominium Act, whether undertaken as cluster or traditional form shall be treated as special land uses Subject to the terms of Article VI, pursuant to Section 231.
- 2 Major Essential Service Facilities shall not be permitted within the Forest Lakes Overlay area as defined in Section 231.
- 3 Two Family Dwellings shall be permitted by right in the LDR district only in the Windcrest Hills, Earlington Hills and Chateau Heights Plats, and as special land uses as provided in Section 644.
- 4 Excluding drive-through restaurants in the EBC district.
- 5 Only Personal Wireless Service Facilities not exceeding 75’ in height, no closer than four times its height from any residence, on a parcel containing nonresidential uses are eligible for special land use approval consideration in the low density Residential (LDR) zoning district and may be required to be designed to conceal the Personal Wireless Service Facility in an existing structure, where possible, or otherwise use camouflage or other aesthetic screening techniques to minimize the structure and to assist in blending it within its surroundings.

LDR

**ARTICLE IV
DISTRICT STANDARDS
SECTION 401 LOW DENSITY RESIDENTIAL DISTRICT, LDR**

**ARTICLE IV
DISTRICT USES**

SECTION 400 RESIDENTIAL DISTRICT USES

Buildings and/or lots within Residential districts shall be used as follows;

SECTION 401 LOW DENSITY RESIDENTIAL DISTRICT, LDR (Revised 5/14/18)

1. INTENT. The LDR Low Density Residential District is intended to provide for an environment of predominantly moderate-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the district.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
- ◆ Accessory dwelling units subject to section 234 **(Revised 2/12/18)**
- ◆ Dwelling, detached single family *
- ◆ Dwelling, Two-Family in Windcrest Hills, Earlington Hills and Chateau Heights Platted subdivisions only.
- ◆ Essential Service Facility, Routine
- ◆ Golf courses and related accessory uses
- ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
- ◆ Home occupations subject to Section 217*
- ◆ Public parks
- ◆ Bed and Breakfast* three or less guest rooms, subject to Section 234 **(Revised 2/10/2020)**

* **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Cemeteries
- ◆ Dwelling, Two-Family, subject to Section 644 **(Revised 7/9/12)**
- ◆ Essential Service Facility, Major
- ◆ Group Day Care (7-12 children)
- ◆ Education Facilities
- ◆ Places of public assembly, large and small, subject to Section 636
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Township Uses
- ◆ Bed and Breakfast* four to ten guest rooms, subject to Section 234 **(Revised 2/10/20)**

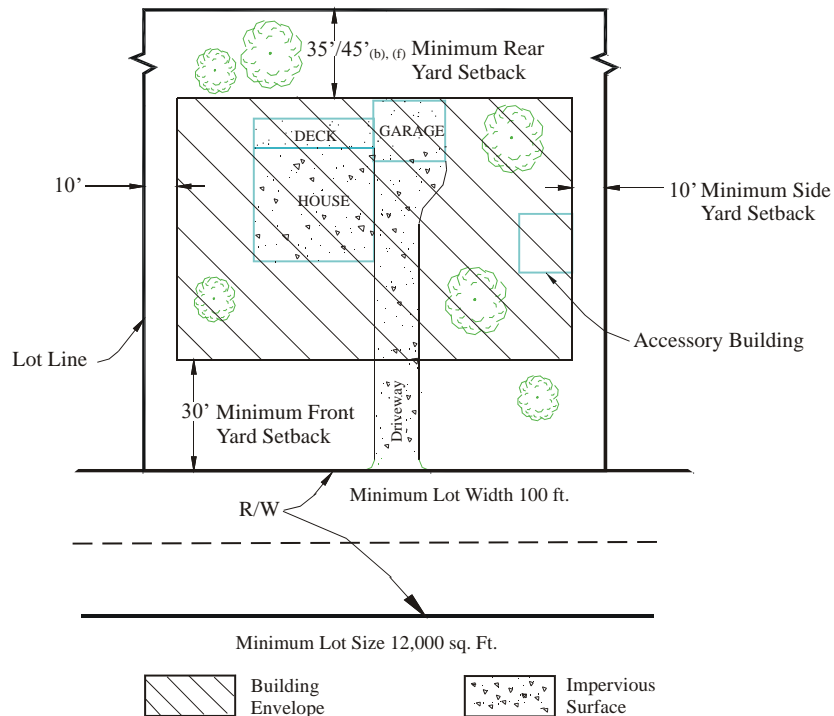
ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings and home occupations
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229

DISTRICT REGULATIONS

- ◆ **Minimum Lot Area:** 12,000 sq. ft
 - ◆ **Minimum Lot Area w/o Community Water and Sewer:** 40,000 sq. feet
 - ◆ **Minimum Lot Width:** 100 ft.
 - ◆ **Minimum Lot Width w/o Community Water and Sewer:** 150 ft.
 - ◆ **Maximum Dwelling Units/Acre:** 3 (plus one accessory dwelling unit) **(Revised 2/12/18)**
 - ◆ **Maximum Dwelling Units/Acre w/o Community Water and Sewer:** 1
 - ◆ **Maximum Building Height:** 2½ stories, or 35'
 - ◆ **Minimum Building Setbacks:** ^(a)
 - Front: 30 ft.
 - Side: 10 ft. (each side)
 - Rear: 35 ft. ^(b)
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Minimum Floor Area:** 768 sq. ft.
 - ◆ **Minimum Living Space Dimensions:** 24' x 24'
- ^(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- ^(b) The rear yard setback shall be 45 feet from elevation 581' USGS datum for properties located on Grand Traverse Bay.

LDR DISTRICT



2. **USES PERMITTED BY RIGHT:** A building or parcel within the LDR district shall be used for the following purposes only:
- a. Detached single family dwellings. Such uses shall not require site plan review.
 - b. Essential Service Facility, Routine
 - c. Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222 and Cluster Subdivision, subject to the provisions of Section 226.
 - d. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - e. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12)**
 - f. Golf courses and related accessory uses.
 - g. Home occupations; conforming to the provisions of Section 217, subject to the provisions of Section 226. Such uses shall not require site plan review.
 - h. Dwelling, Two-Family in the Windcrest Hills, Earlington Hills and Chateau Heights Platted subdivisions only, subject to the following schedule regulating density by parcel size and width.
 - i. Accessory dwelling units pursuant to section 234. **(Revised 2/12/18)**

Dwelling Units	Parcel	
	Area	Width
2	40,000 sq. ft.	150 ft.
3	48,000 sq. ft.	200 ft.
4	48,000 sq. ft.	210 ft.
5	60,000 sq. ft.	220 ft.
6	72,000 sq. ft.	230 ft.
7	84,000 sq. ft.	240 ft.
8	96,000 sq. ft.	250 ft.

***Note:** No more than one (1) multi-family building shall be permitted on any one (1) lot.

- j. Commercial Recreation, skiing and golf. **(Revised 2/10/20)**
3. **SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION:** in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
- a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603 **(Revised 5/5/12)**

- b. Dwellings, Two-Family, subject to Section 644 (**Revised 7/9/12**)
 - c. Places of public assembly, large and small, subject to Section 636
 - d. Cemeteries, subject to the provisions of Section 610
 - e. Education facilities, subject to the provisions of Section 619
 - f. Essential Service Facility, Major, subject to the provisions of Section 628
 - g. Group day care for 7 to 12 children, subject to the provisions of Section 616
 - h. Planned unit developments subject to the provisions of Section 637
 - i. Township uses, subject to the provisions of Section 645
 - j. Personal Wireless Service Facilities not exceeding 75' in height, no closer than four times its height from any residence, on a parcel containing non-residential uses, subject to Section 624.
4. **DIMENSIONAL STANDARDS:** Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

MDR

**ARTICLE IV
DISTRICT STANDARDS
SECTION 402 MODERATE DENSITY RESIDENTIAL DISTRICT, MDR**

SECTION 402 MODERATE DENSITY RESIDENTIAL DISTRICT, MDR
(Revised 5/14/18)

1. **INTENT.** The MDR Residential District is intended to provide for an environment of predominantly moderate-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the this district. In areas of the Township not served with municipal infrastructure, the MDR district may include low-density patterns of development.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
- ◆ Accessory dwelling units subject to section 234 **(Revised 2/12/18)**
- ◆ Dwelling, detached single family*
- ◆ Dwelling, Two-Family **(Revised 7/9/12)**
- ◆ Essential Service Facility, Routine
- ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
- ◆ Dwelling, multiple family housing
- ◆ Home occupations subject to Section 217*
- ◆ Public parks
- ◆ Bed and Breakfast * three or less guest rooms, subject to Section 234 **(Revised 2/10/20)**

* **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Bed & Breakfast facilities
- ◆ Essential Service Facility, Major
- ◆ Foster Care, Adult (7-12 residents), subject to Section 622
- ◆ Group Day Care (7-12 children)
- ◆ Education Facilities
- ◆ Places of public assembly, large and small, subject to Section 636
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Bed and Breakfast * four to ten guest rooms, subject to Section 234 **(Revised 2/10/20)**

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings and home occupations.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229.

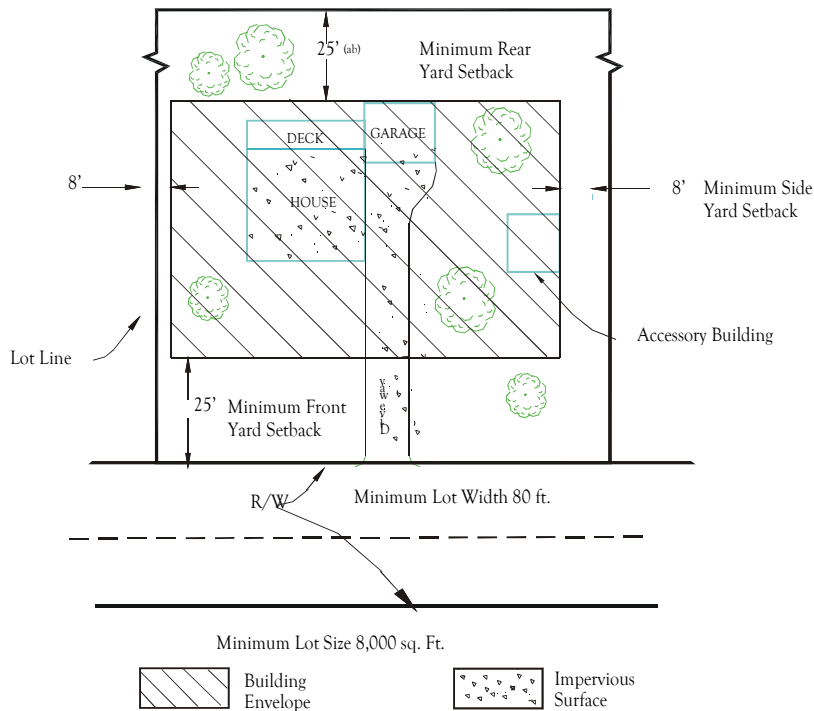
DISTRICT REGULATIONS (Revised 12/31/08)

- ◆ **Minimum Lot Area:** 8,000 sq. ft. (plus 7,500 sq. ft. for each additional unit on the same parcel)
- ◆ **Minimum Lot Area w/o Community Water and Sewer:** 40,000 sq. ft
- ◆ **Minimum Lot Width:** 80 ft.
- ◆ **Minimum Lot Width w/o Community Water and Sewer:** 150 ft.
- ◆ **Maximum Dwelling Units/Acre:** 5 (plus one accessory dwelling units) **(Revised 2/12/18)**
- ◆ **Maximum Dwelling Units/Acre w/o Community Water and Sewer:** 1
- ◆ **Maximum Building Height:** 2½ stories, or 35'
- ◆ **Maximum Building Height w/o Community Water and Sewer:** 1
- ◆ **Minimum Building Setbacks** ^(a)
 - Front: 25 ft.
 - Side: 8 ft. (each side)
 - Rear: 25 ft. ^(b)
- ◆ **Maximum Lot Coverage:** N/A
- ◆ **Minimum Floor Area (One Family):** 768 sq. ft.
- ◆ **Minimum Floor Area (Two Family):** 576 sq. ft.
- ◆ **Minimum Living Space Dimensions:** 24' x 24'

(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.

(b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

MDR DISTRICT



2. USES PERMITTED BY RIGHT: A building or parcel within the MDR district shall be used for the following purposes only:
 - a. Detached single family dwellings. Such uses shall not require site plan review
 - b. Dwelling, Two-Family (**Revised 7/9/12**)
 - c. Essential Service Facility, Routine
 - d. Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222 and Cluster Subdivision, subject to the provisions of Section 226
 - e. Multiple family dwellings
 - f. Publicly and privately owned and operated parks, preserves, open space, and conservation areas
 - g. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. (**Revised 5/5/12**)
 - h. Home occupations; conforming to the provisions of Section 217. Such uses shall not require site plan review.
 - i. Accessory dwelling units pursuant to section 234 (**Revised 2/12/18**)
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION: in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
 - a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. (**Revised 5/5/12**)
 - b. Bed & Breakfast facilities, subject to the provisions of Section 606.
 - c. Essential Service Facility, Major, subject to the provisions of Section 628
 - d. Places of public assembly, large and small, subject to the provisions of Section 636.
 - e. Education facilities, subject to the provisions of Section 619
 - f. Foster Care, Adult (serving 7 to 12 residents), subject to the provisions of Section 622.
 - g. Group day care for 7 to 12 children, subject to the provisions of Section 616.
 - h. Planned unit developments subject to Section 637
4. DIMENSIONAL STANDARDS: Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

HDR

**ARTICLE IV
DISTRICT STANDARDS
SECTION 403 HIGH DENSITY RESIDENTIAL DISTRICT, HDR**

SECTION 403 HIGH DENSITY RESIDENTIAL DISTRICT, HDR (Revised 5/14/18)

1. INTENT. The HDR, High Density Residential District is intended to provide for an environment of predominantly moderate-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the this district. In addition, the district may accommodate two-family, multiple family and conservation cluster design communities.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal structure *
- ◆ Accessory dwelling units subject to section 234 **(Revised 2/12/18)**
- ◆ Dwelling, detached single family *
- ◆ Dwelling, two-family **(Revised 7/9/12)**
- ◆ Dwelling, multiple family
- ◆ Essential Service Facility, Routine
- ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance
- ◆ Home occupations subject to Section 217*
- ◆ Lodging and boarding houses
- ◆ Nursing home
- ◆ Public parks
- ◆ Bed and Breakfast * three or less guest rooms, subject to Section 234 **(Revised 2/10/20)**

* **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal structure
- ◆ Bed & Breakfast facilities
- ◆ Group Day Care (7-12 children)
- ◆ Day Care Center or Child Care Center
- ◆ Education Facilities
- ◆ Essential Service Facility, Major
- ◆ Foster Care, Adult (7+ residents) subject to Section 622
- ◆ Mini-warehouse, of 8,000 sq. ft. or less
- ◆ Places of public assembly, large and small, subject to Section 636
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Bed and Breakfast * four to ten guest rooms, subject to Section 234 **(Revised 2/10/20)**

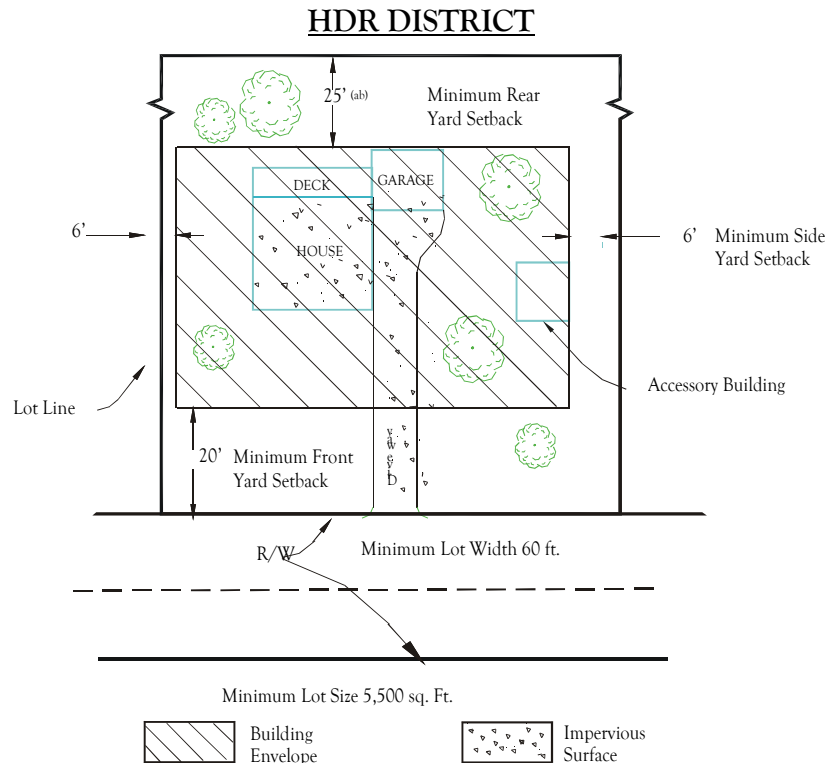
ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings and home occupations.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229.

DISTRICT REGULATIONS (Revised 12/31/08)

- ◆ **Minimum Lot Area, 1st unit:** 5,500 sq. ft. (Plus 4,800 sq. ft. for each additional unit on the same parcel)
 - ◆ **Minimum Lot Area w/o Community Water and Sewer:** 40,000 sq. ft.
 - ◆ **Minimum Lot Width:** 60 ft.
 - ◆ **Minimum Lot Width w/o Central Water and Sewer:** 150 ft.
 - ◆ **Maximum Dwelling Units/Acre:** 8 (Plus one accessory dwelling unit) **(Revised 2/12/18)**
 - ◆ **Maximum Dwelling Units/Acre w/o Central Water and Sewer:** 1
 - ◆ **Maximum Building Height:** 2½ stories, or 35'
 - ◆ **Minimum Building Setbacks: (a)**
 Front: 20 ft.
 Side: 6 ft. (each side)
 Rear: 25 ft. (b)
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Minimum Floor Area (One Family):** 768 sq. ft.
 - ◆ **Minimum Floor Area (Multi-Family):** 576 sq. ft.
 - ◆ **Minimum Living Space Dimensions:** 12' width
- (a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- (b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

HDR DISTRICT



2. USES PERMITTED BY RIGHT: A building or parcel within the HDR district shall be used for the following purposes only:
 - a. Detached single family dwellings. Such uses shall not require site plan review.
 - b. Dwelling, two-family (**Revised 7/9/12**)
 - c. Dwelling, multiple family
 - d. Essential Service Facility, Routine
 - e. Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222 and Cluster Subdivision, subject to Section 226.
 - f. Lodging and boarding houses
 - g. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - h. Accessory buildings provided the area of the footprint of the accessory building is less than or equal to that of the principal structure on the parcel. Such uses shall not require site plan review.
 - i. Home occupations; conforming to the provisions of Section 217. Such uses shall not require site plan review.
 - j. Nursing home
 - k. Accessory dwelling units subject to section 234. (**Revised 2/12/18**)
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION: in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
 - a. Accessory buildings where the area of the footprint of the accessory building is greater than that of the principal structure on the parcel, subject to the provisions of Section 603.
 - b. Bed & Breakfast facilities, subject to the provisions of Section 606.
 - c. Places of public assembly, large and small, subject to Section 636.
 - d. Education facilities, subject to the provisions of Section 619.
 - e. Essential Services Facility, Major, subject to the provisions of Section 628
 - f. Foster Care, Adult (serving 7 or more residents), subject to the provisions of Section 622.
 - g. Group day care for 7 to 12 children, subject to the provisions of Section 616.
 - h. Day Care Center or Child Care Center, subject to the provisions of Section 617.
 - l. Mini-warehouse of no more than 8,000 square feet, subject to the provisions of Section 630.
 - j. Planned unit developments subject to Section 637
4. DIMENSIONAL STANDARDS: Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

RR

**ARTICLE IV
DISTRICT STANDARDS
SECTION 404 RURAL RESIDENTIAL DISTRICT, RR**

SECTION 404 RURAL RESIDENTIAL DISTRICT, RR (Revised 5/14/18)

1. INTENT. This district is intended to establish and maintain an alternate residential environment predominantly for single family dwellings in accessible rural areas in moderately low densities.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
 - ◆ Dwelling, detached single family *
 - ◆ Essential Service Facility, Routine
 - ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
 - ◆ Greenhouses & Nurseries **(Revised 1/8/08)**
 - ◆ Home occupations subject to Section 217*
 - ◆ Keeping of animals*
 - ◆ Outdoor storage of up to 4 RVs*
 - ◆ Public parks
 - ◆ Purchase of Development Rights
 - ◆ Bed and Breakfast * three or less guest rooms, subject to Section 234 **(Revised 2/10/20)**
- * **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Group Day Care (7-12 children)
- ◆ Education Facilities
- ◆ Essential Service Facility, Major
- ◆ Foster Care, Adult (7-12 residents), subject to Section 622
- ◆ Mini-warehouse, self storage up to 8,000 sq. ft., subject to Section 630
- ◆ Personal wireless facilities, subject to Section 624
- ◆ Places of public assembly, large and small, subject to Section 636
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Bed and Breakfast * four to ten guest rooms, subject to Section 234 **(Revised 2/10/20)**

ADDITIONAL STANDARDS

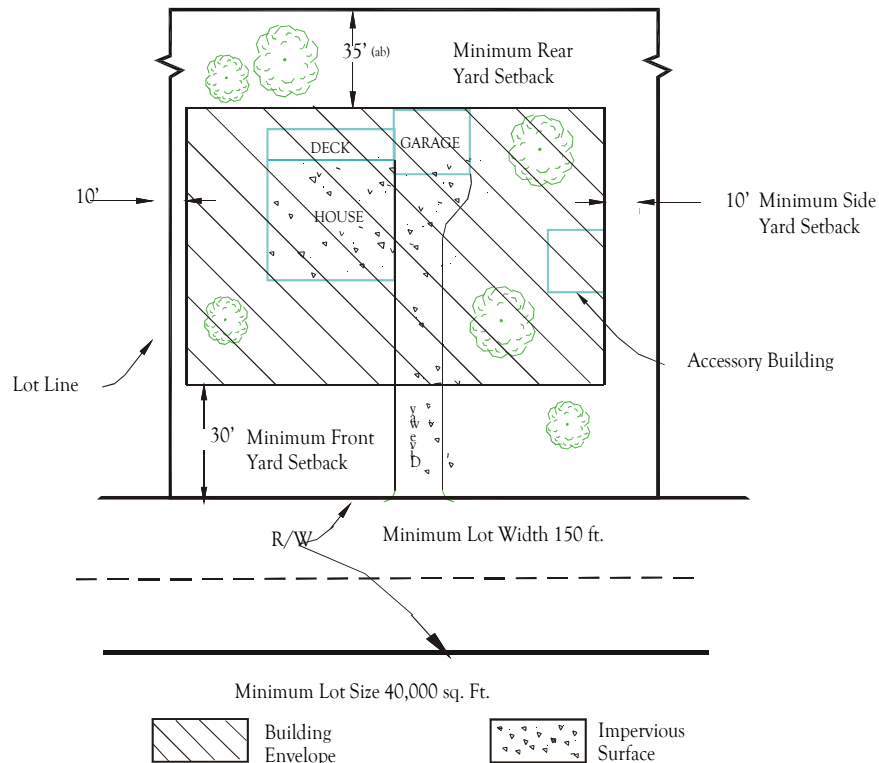
- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings and home occupations
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229

DISTRICT REGULATIONS

- ◆ **Minimum Lot Area:** 40,000 sq. ft.
- ◆ **Minimum Lot Width:** 150 ft.
- ◆ **Maximum Dwelling Units/Acre:** 1
- ◆ **Maximum Building Height:** 2½ stories, or 35'
- ◆ **Minimum Building Setbacks: (a)**
 Front: 30 ft.
 Side: 10 ft. (each side)
 Rear: 35 ft. (b)
- ◆ **Maximum Lot Coverage:** N/A
- ◆ **Minimum Living Space Dimensions:** 24' x 24'
- ◆ **Minimum Floor Area (One Family):** 768 sq. ft.
Minimum Floor Area (Two-Family): 576 sq. ft.

- (a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- (b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

RR DISTRICT



2. USES PERMITTED BY RIGHT: A building or parcel within the RR district shall be used for the following purposes only:
 - a. Detached single family dwellings. Such uses shall not require site plan review.
 - b. Essential Service Facility, Routine.
 - c. Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222 and Cluster Subdivision, subject to the provisions of Section 226.
 - d. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - e. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12)**
 - f. Home occupations; conforming to the provisions of Section 217. Such uses shall not require site plan review.
 - g. Greenhouses and nurseries. **(Revised 1/8/08)**
 - h. Animals; raising, grazing, feeding or training, boarding and/or stabling. This includes the keeping of horses. No enclosure or space for the disposing of pelt producing animals, pelts, carcasses or waste products shall be located less than 1,000 feet from any adjoining property and/or highway right-of-way. Such uses shall not require site plan review.
 - i. Outdoor storage of up to four (4) recreation vehicles. Such uses shall not require site plan review.
 - j. Purchase of Development Rights, subject to review and approval of the Planning Commission for consistency with the East Bay Township Master Plan.
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION: in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
 - a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. **(Rev 5/5/12).**
 - b. Places of public assembly, large and small, subject to Section 636.
 - c. Education facilities, subject to the provisions of Section 619.
 - d. Essential Service Facility, Major, subject to the provisions of Section 628
 - e. Foster Care, Adult, serving 7 to 12 residents, subject to the provisions of Section 622.
 - f. Group day care for 7 to 12 children, subject to the provisions of Section 616.

- g. Mini-warehouse, self storage of up to 8,000 square feet, subject to the provisions of Section 630.
 - h. Personal wireless facilities, subject to the provisions of Section 634.
 - i. Planned unit developments subject to the provisions of Section 637
4. DIMENSIONAL STANDARDS: Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

LA

**ARTICLE IV
DISTRICT STANDARDS
SECTION 405 LAKES AREA DISTRICT, LA**

SECTION 405 LAKES AREA DISTRICT, LA (Revised 5/14/18)

1. INTENT: This district is intended to establish and maintain a low intensity residential and recreational environment predominantly for single family dwellings in accessible rural areas adjacent to the inland lakes of the Township.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
- ◆ Accessory uses related to uses permitted by right
- ◆ Cabin Courts
- ◆ Camps and Campgrounds
- ◆ Dwelling, detached single family*
- ◆ Essential Service Facility, Routine
- ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance**
- ◆ Home occupations subject to Section 217*
- ◆ Keeping of horses*
- ◆ Outdoor storage of up to 4 R.V.s*
- ◆ Permanent and temporary docks*
- ◆ Public parks
- ◆ Shore improvements*
- ◆ Shore structures*
- ◆ Township uses
- ◆ Bed and Breakfast * three or less guest rooms, subject to Section 234 **(Revised 2/10/20)**

* **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

** **Within the Forest Lakes Overlay, such uses shall be treated as special land uses, subject to the provisions of Article VI, pursuant to Section 231 (Revised 12/8/08)**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Bed and Breakfast
- ◆ Boat and Motor Sales & Repair
- ◆ Essential Service Facility, Major
- ◆ Mini-warehouse, self storage of 8,000 sq. ft or less
- ◆ Neighborhood Local Business
- ◆ Personal Wireless Communication Facilities
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Bed and Breakfast * four to ten guest rooms, subject to Section 234 **(Revised 2/10/20)**

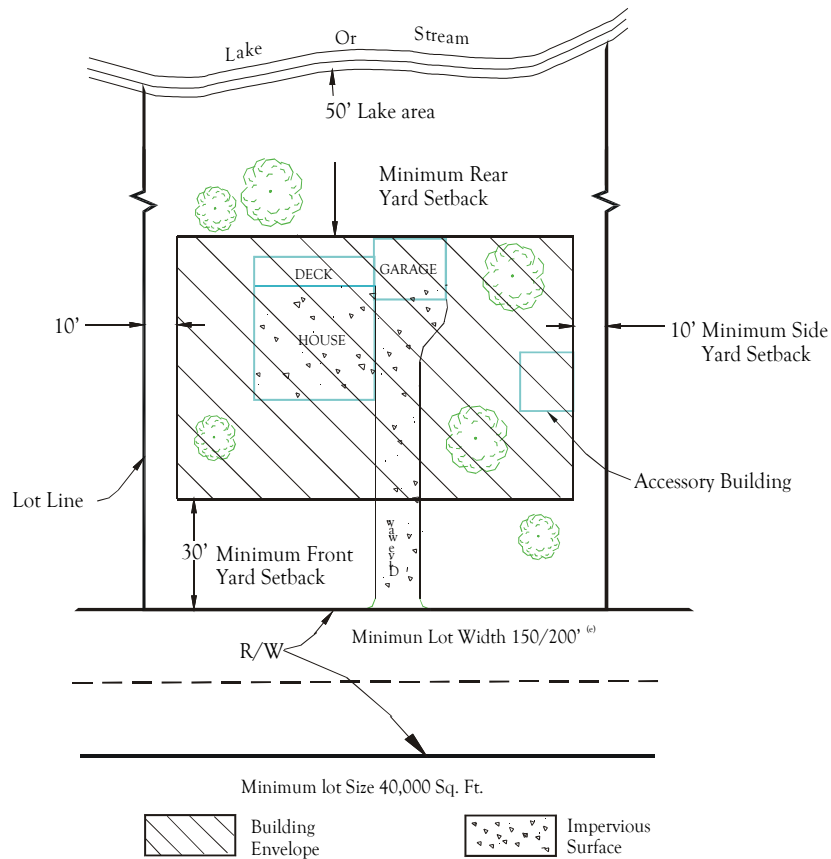
ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings, home occupations, keeping of horses, outdoor storage of up to 4 R.V.s, docks, shore structures and improvements.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229.

DISTRICT REGULATIONS

- ◆ **Minimum Lot Area:** 40,000 sq. ft.
 - ◆ **Minimum Lot Width:** 150 ft.
 - ◆ **Maximum Dwelling Units/Acre:** 1
 - ◆ **Maximum Building Height:** 2½ stories, or 35'
 - ◆ **Minimum Building Setbacks** ^(a)
 - Front: 30 ft.
 - Side: 10 ft. (each side)
 - Rear: 35 ft. ^(b)
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Minimum Living Space Dimensions:** 24' x 24'
 - ◆ **Minimum Floor Area (One Family):** 768 sq. ft.
- ^(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- ^(b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

LA DISTRICT



2. USES PERMITTED BY RIGHT. A building or parcel within the LA district shall be used for the following purposes only:
- a. Detached single family dwellings. Such uses shall not require site plan review.
 - b. Accessory uses related to uses permitted by right, subject to the provisions of Section 221
 - c. Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance; provided, however, that within the Forest Lakes Overlay, residential subdivisions consisting of two or more residential building sites or two or more residential structures under any lawful form of ownership, including but not limited to ownership subject to or created under the Land Division Act or the Michigan Condominium Act, whether undertaken as cluster or traditional form shall be treated as special land uses Subject to the terms of Article VI, pursuant to Section 231. **(Revised 12/8/08)**
 - d. Cabin Courts
 - e. Camps and Campgrounds
 - f. Essential Service Facility, Routine
 - g. Publicly and privately owned and operated parks, preserves, open space, and conservation areas
 - h. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12)**
 - i. Home occupations; conforming to the provisions of Section 217. Such uses shall not require site plan review.
 - j. Keeping of horses. On parcels of over five (5) acres in area, the keeping of horses of the occupant shall be determined an accessory use, provided that all horses shall be properly housed and fenced so as not to be a public nuisance, and provided further, that at no time shall there be more than one horse for the first five (5) acres of land, or more than one additional horse for each acre of land in excess of five (5) acres. Such uses shall not require site plan review.
 - k. Outdoor storage of up to four (4) recreation vehicles. Such uses shall not require site plan review.
 - l. Shore Structure. Boat Access Sites for Multiple Boats as defined in this Zoning Ordinance shall not be permitted. Boat Docks can be either permanent or seasonal as follows and Such uses shall not require site plan review.
 - 1) Permanent Docks. The permanent placement of reasonably sized docks are permitted, providing that State of Michigan approval and Grand Traverse County approval (where applicable) has been obtained. A Township permit is **not** required before placement.
 - 2) Temporary/Seasonal Docks. The seasonal placement of a reasonably sized dock which is consistent with adjoining docks and which does not adversely

impact on the public's usage of the water is permitted and does not require a Township permit. Seasonal docks, deck structures, and swimming platforms must be removed each year prior to ice cover.

- m. Shore Improvements. Beach Improvements such as shoreline fill, retaining walls, seawall, and similar shoreline stabilization uses are permitted, providing that State and County permits are obtained. Township permits are not required for these improvements and Such uses shall not require site plan review.
 - n. Township uses.
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
- a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. **(Revised 5/5/12)**
 - b. Bed & Breakfast facilities, subject to the provisions of Section 606.
 - c. Boat and Motor Sales and Repair, subject to the provisions of Section 623.
 - d. Essential Service Facility, Major, subject to the provisions of Section 628, if located outside the Forest Lakes Overlay.
 - e. Mini-warehouse, self-storage less than 8,000 square feet, subject to the provisions of Section 630.
 - f. Neighborhood local business, subject to the provisions of Section 633.
 - g. Personal wireless communication facilities, subject to the provisions of Section 634.
 - h. Planned unit developments subject to the provisions of Section 637.
4. DIMENSIONAL STANDARDS. Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V. Minimum Water Frontage for lots and parcels that contain water frontage is 100 feet.
5. LEGAL LOTS OF RECORD. Legal lots of record in existence as of the adoption of this Ordinance may be improved regardless of whether such lots meet the dimensional standards of this ordinance.
6. **EXCLUDED USES:** No stockyard, slaughter house or meat or pelt processing establishment shall be located in district. Also excluded are multiple family dwellings and developments, keyhole developments, multi-boat access sites, access lots, and access easements designed specifically to provide waterfront pedestrian and boat access to persons who do not have ownership of a waterfront parcel. Provided, however, that common open space in a development approved pursuant to Sections 225, 226 or 637 hereof, may include shoreline or stream corridor areas preserved in a perpetually undisturbed state and with any access to water limited to nothing more intense than walk-in use. **(Rev. 6/24/06)**

7. FOREST LAKES OVERLAY. The provisions of Section 231 shall apply within the Lakes Area district to properties located within an area located within five hundred (500) feet of the ordinary high watermark of Arbutus Lake, Spider Lake, Rennie Lake, High Lake, Chandler Lake, Vandervoight Lake, Indian Lake, Perch Lake, Spring Lake, George Lake, Tibbets Lake, and Bass Lake; and containing topographic contours such that stormwater from the parcel drains drain directly or indirectly into such lakes. **(Revised 12/8/08)**

BR

**ARTICLE IV
DISTRICT STANDARDS
SECTION 406 BOARDMAN RIVER DISTRICT, BR**

SECTION 406 BOARDMAN RIVER DISTRICT, BR (5/14/18)

1. INTENT. This district is intended to establish and maintain a low intensity residential and recreational environment predominantly for single family dwellings in accessible rural areas adjacent to the Boardman River and its related woodlands and wetlands.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
- ◆ Dwelling, detached single family *
- ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
- ◆ Essential Service Facility, Routine
- ◆ Forestry and Wildlife Management
- ◆ Home Occupations subject to Section 217*
- ◆ Keeping of horses*
- ◆ Outdoor storage of up to 4 R.V.s*
- ◆ Public parks
- ◆ Purchase of Development Rights
- ◆ Temporary Docks*
- ◆ Public parks

* **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Personal Wireless Communication Facilities
- ◆ Planned Unit Developments, subject to Section 637

ADDITIONAL STANDARDS

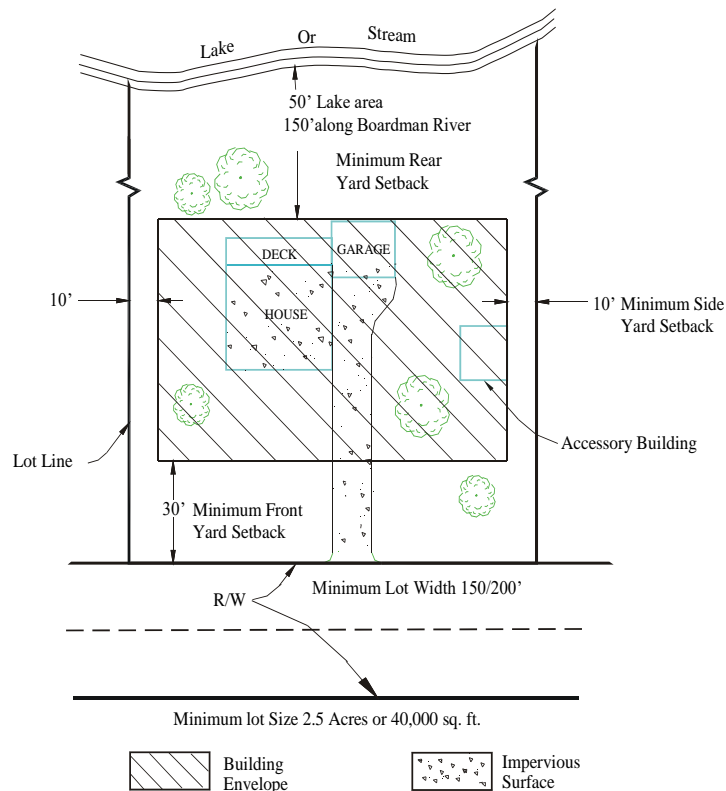
- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings, keeping of horses, outdoor storage of up to 4 R.V.s, and temporary docks.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229.

DISTRICT REGULATIONS

- ◆ **Minimum Lot Area:** 40,000 sq. ft.
- ◆ **Minimum Lot Area Within 400' of the Boardman River:** 2½ acres
- ◆ **Minimum Lot Width:** 150 ft.
- ◆ **Minimum Lot Width Within 400' of the Boardman River:** 200 ft.
- ◆ **Maximum Dwelling Units/Acre:** 1
- ◆ **Maximum Building Height:** 2½ stories, or 35'
- ◆ **Minimum Building Setbacks:** ^(a)
 - Front: 30 ft.
 - Side: 10 ft. (each side)
 - Rear: 35 ft.
- ◆ **Maximum Lot Coverage:** N/A
- ◆ **Minimum Living Space Dimensions:** 24' x 24'
- ◆ **Minimum Floor Area (One Family):** 768 sq. ft.

^(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.

BR DISTRICT



2. USES PERMITTED BY RIGHT. A building or parcel within the BR district shall be used for the following purposes only:
 - a. Detached single family dwellings. Such uses shall not require site plan review.
 - b. Accessory uses related to uses permitted by right, subject to the provisions of Section 221.
 - c. Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
 - d. Essential Service Facility, Routine.
 - e. Forestry and Wildlife Management.
 - f. Home Occupations, subject to Section 217. Such uses shall not require site plan review.
 - g. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - h. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12)**
 - i. Keeping of horses. On parcels of over five (5) acres in area, the keeping of horses of the occupant shall be determined an accessory use, provided that all horses shall be properly housed and fenced so as not to be a public nuisance, and provided further, that at no time shall there be more than one horse for the first three (3) acres of land, or more than one additional horse for each acre of land in excess of three (3) acres. Such uses shall not require site plan review.
 - j. Outdoor storage of up to four (4) recreation vehicles. Such uses shall not require site plan review.
 - k. Purchase of Development Rights, subject to review and approval of the Planning Commission for consistency with the East Bay Township Master Plan.
 - l. Temporary docks.
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
 - a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. *(Rev. 5/5/12)*
 - b. Personal wireless communication facilities, subject to the provisions of Section 634
 - c. Planned unit developments subject to the provisions of Section 637
4. DIMENSIONAL STANDARDS. Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

5. BOARDMAN RIVER REGULATIONS: The following applies to all parcels within 400 feet of the Boardman River.
- a. Minimum Lot Size is Two and One-half (2 ½) acres. Minimum Lot Width is 200 feet. Minimum Water Frontage for lots and parcels that contain water frontage is 100 feet.
 - b. No structure shall be built within 150 feet from the water's edge on that portion of the Boardman River upstream from the Brown Bridge Dam or within 100 feet from the water's edge on that portion of said river downstream from the Brown Bridge Dam, except a deck when constructed with natural materials and parallel to the bank, not exceeding four (4) feet in width, ten (10) feet in length and under thirty (30) inches in height, and not protruding into the stream. A Township permit is required for this deck before construction.
 - c. A managed vegetative strip shall be maintained for a depth of 75 feet measured from the water's edge on that portion of the Boardman River upstream from the Brown Bridge Dam and for a depth of 50 feet measured from the water's edge on that portion of the Boardman River downstream from the Brown Bridge Dam, trees and shrubs may be pruned for a filtered view of the river upon approval of the Zoning Administrator, but clear cutting in the natural vegetation strip is prohibited. The natural vegetation strip is also subject to the following provisions:
 - 1) The vegetative strip shall consist of native trees, shrubs, and other vegetation and materials, except dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, which may be removed.
 - 2) Selective removal or trimming of trees is permitted upon approval of the Zoning Administrator. The Zoning Administrator shall consider all relevant factors pertaining to the purpose of the vegetative strip which is to stabilize the river banks, prevent erosion, absorb nutrients in water runoff from adjacent lands, provide shading for the stream to maintain cool water temperature and screening of adjacent man-made structures. Chemical control of vegetation shall be prohibited within the managed vegetative strip.
 - 3) No ponds shall be constructed, earth moved or surface soil removed for building, within the managed vegetative strip.
 - 4) Fencing, grazing, riding trails and soil tilling for farm crops is prohibited within the managed vegetative strip.
 - 5) The use of the managed vegetative strip for stock watering areas, stream crossing of horseback trails is subject to the approval of the Zoning Administrator which will require a plan from the Soil Conservation District as part of the requirement for use.
 - 6) Utility lines; New distribution lines for utilities within the housing setback line shall be placed underground unless overhead lines are less disruptive to the environment. Brushy vegetation shall be restored in the disturbed area of the managed vegetative strip. Local service lines to private dwellings shall originate from the landward side of the dwelling.

- 7) Chemical control of vegetation shall be prohibited within the managed vegetative strip.
6. EXCLUDED USES: No stockyard, slaughter house or meat or pelt processing establishment shall be located in district. Also excluded are multiple family dwellings and developments, keyhole developments, multi-boat access sites, access lots, and access easements designed specifically to provide waterfront pedestrian and boat access to persons who do not have ownership of a waterfront parcel.

NA

**ARTICLE IV
DISTRICT STANDARDS
SECTION 407 NATURAL AREA DISTRICT, NA**

SECTION 407 NATURAL AREA DISTRICT, NA (Revised 5/14/18)

1. INTENT. This district is intended to establish and maintain a low intensity residential and recreational environment predominantly for single family dwellings in the natural woodlands, forests and non-agricultural areas of the Township.

PERMITTED USES

- ◆ Accessory uses related to uses permitted by right
- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
- ◆ Dwelling, detached single family *
- ◆ Essential Service Facility, Routine
- ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.**
- ◆ Forestry and Wildlife Management
- ◆ Home Occupations, subject to Section 217*
- ◆ Keeping of horses*
- ◆ Outdoor storage of up to 4 R.V.s*
- ◆ Public parks
- ◆ Purchase of Development Rights
- ◆ Temporary Docks*
- ◆ Public parks

* **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

** **Within the Forest Lakes Overlay, such uses shall be treated as special land uses, subject to the provisions of Article VI, pursuant to Section 231**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Essential Service Facility, Major
- ◆ Personal Wireless Communication Facilities
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Camps and Campgrounds, subject to Section 646 **(Revised 10/13/08)**

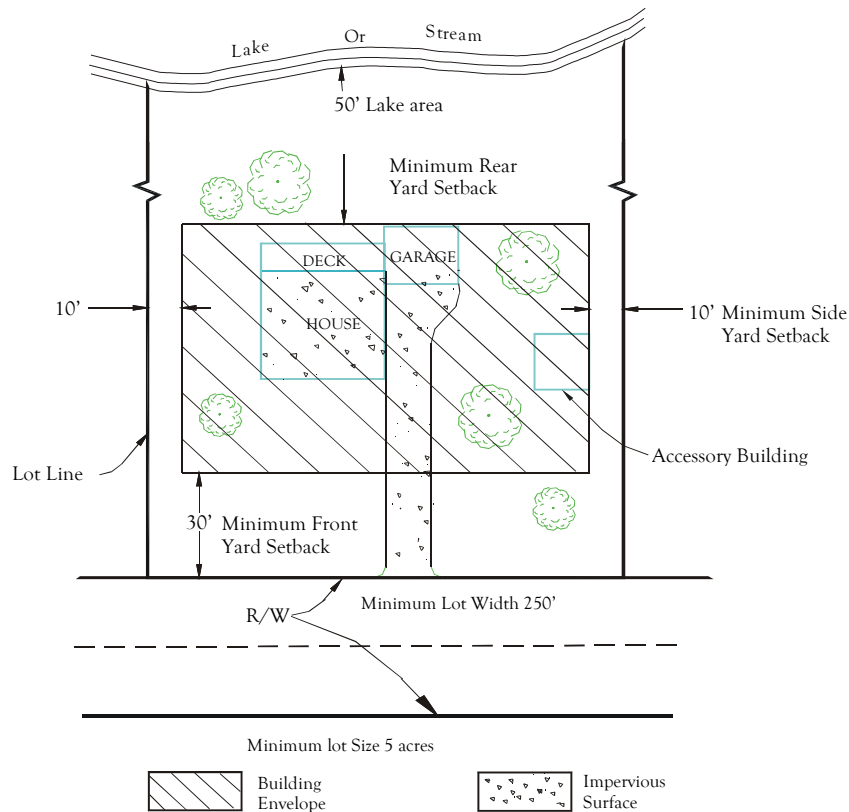
ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings, keeping of horses, outdoor storage of up to 4 R.V.s and temporary docks.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229

DISTRICT REGULATIONS

- ◆ **Minimum Lot Area:** 5 acres
 - ◆ **Minimum Lot Width:** 250 ft
 - ◆ **Maximum Dwelling Units/Acre:** 0.2
 - ◆ **Maximum Building Height:** 2½ stories, or 35'
 - ◆ **Minimum Building Setbacks:** ^(a)
 - Front: 30 ft.
 - Side: 10 ft. (each side)
 - Rear: 35 ft. ^(b)
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Minimum Living Space Dimensions:** 24' x 24'
 - ◆ **Minimum Floor Area (One Family):** 768 sq. ft.
- (a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- (b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

NA DISTRICT



2. USES PERMITTED BY RIGHT. A building or parcel within the NA district shall be used for the following purposes only:
 - a. Detached single family dwellings. Such uses shall not require site plan review.
 - b. Accessory uses related to uses permitted by right, subject to the provisions of Section 221.
 - c. Essential Service Facility, Routine
 - d. Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance; provided, however, that within the Forest Lakes Overlay, residential subdivisions consisting of two or more residential building sites or two or more residential structures under any lawful form of ownership, including but not limited to ownership subject to or created under the Land Division Act or the Michigan Condominium Act, whether undertaken as cluster or traditional form shall be treated as special land uses Subject to the terms of Article VI, pursuant to Section 231. **(Revised 12/8/08)**
 - e. Forestry and Wildlife Management
 - f. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - g. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12)**
 - h. Home Occupations, subject to Section 217. Such uses shall not require site plan review.
 - i. Keeping of horses. On parcels of over five (5) acres in area, the keeping of horses of the occupant shall be determined an accessory use, provided that all horses shall be properly housed and fenced so as not to be a public nuisance, and provided further, that at no time shall there be more than one horse for the first three (3) acres of land, or more than one additional horse for each acre of land in excess of three (3) acres. Such uses shall not require site plan review.
 - j. Outdoor storage of up to four (4) recreation vehicles. Such uses shall not require site plan review.
 - k. Purchase of Development Rights, subject to review and approval of the Planning Commission for consistency with the East Bay Township Master Plan.
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
 - a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. **(Revised 5/5/12)**

- b. Essential Service Facility, Major, subject to the provisions of Section 628, if located outside the Forest Lakes Overlay.
 - c. Personal wireless communication facilities, subject to the provisions of Section 634.
 - d. Planned unit developments subject to the provisions of Section 637
 - e. Camps and Campgrounds subject to the provisions of Section 646
(Revised 10/13/08)
4. DIMENSIONAL STANDARDS. Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.
5. FOREST LAKES OVERLAY. The provisions of Section 231 shall apply within the Natural Area district to properties located within an area located within five hundred (500) feet of the ordinary high watermark of Arbutus Lake, Spider Lake, Rennie Lake, High Lake, Chandler Lake, Vandervoight Lake, Indian Lake, Perch Lake, Spring Lake, George Lake, Tibbets Lake, and Bass Lake; and containing topographic contours such that stormwater from the parcel drains drain directly or indirectly into such lakes. **(Revised 12/8/08)**

MHC

**ARTICLE IV
DISTRICT STANDARDS
SECTION 408 MANUFACTURED HOUSING COMMUNITY
DISTRICT, LDR**

SECTION 408 MANUFACTURED HOUSING COMMUNITY DISTRICT, MHC
(Revised 10/25/16 and 5/14/18)

1. INTENT. The MHC, Manufactured Housing Community is intended to provide for an environment of predominantly moderate-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the this district. In addition, the district may accommodate two-family, multiple family, manufactured housing communities and conservation cluster design communities.

PERMITTED USES
◆ Accessory buildings with floor area less than or equal to the footprint of the principal structure *
◆ Dwelling, detached single family *
◆ Dwelling, multiple family housing
◆ Essential Service Facility, Routine
◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
◆ Home occupations subject to Section 217*
◆ Lodging and boarding houses
◆ Manufactured housing community subject to Section 208
◆ Nursing home
◆ Public parks
* Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.

SPECIAL LAND USES
◆ Accessory buildings with floor area greater than the footprint of the principal structure
◆ Bed & Breakfast facilities
◆ Essential Service Facility, Major
◆ Foster Care, Adult (7+ residents), subject to Section 622
◆ Group Day Care (7-12 children)
◆ Day Care Center or Child Care Center
◆ Education Facilities
◆ Mini-warehouse, of 8,000 sq. ft. or less
◆ Places of public assembly, large and small, subject to Section 636
◆ Planned Unit Developments, subject to Section 637

ADDITIONAL STANDARDS
◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings and home occupations.
◆ Parking and Loading requirements subject to Article VII
◆ Signage requirements subject to Section 215
◆ Lighting requirements, subject to Section 210
◆ Landscaping and Buffering requirements, subject to Section 229.

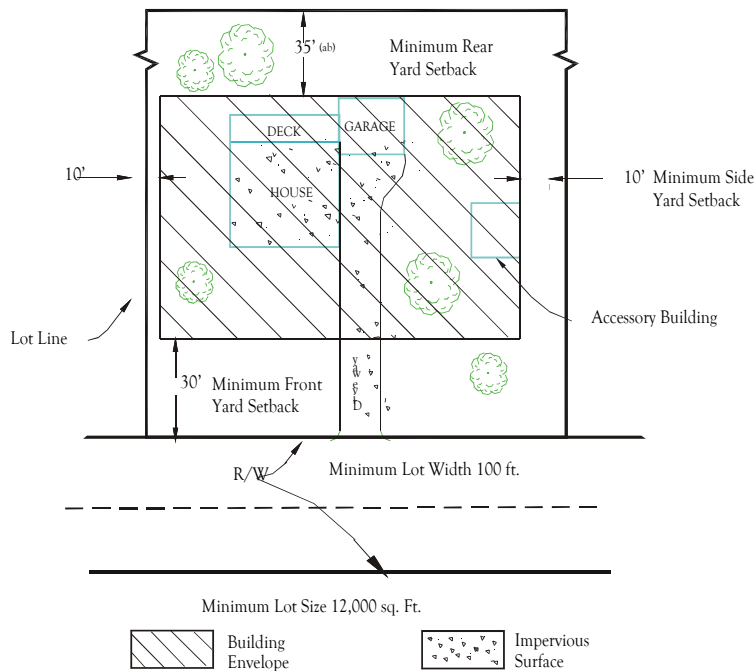
DISTRICT REGULATIONS (Revised 10/25/16)

- ◆ **Minimum Lot Area:** 12,000 sq. ft.
- ◆ **Minimum Lot Area w/o Community Water and Sewer:** 40,000 sq. ft.
- ◆ **Minimum Lot Width:** 100 ft.
- ◆ **Minimum Lot Width w/o Community Water and Sewer:** 150 ft.
- ◆ **Maximum Dwelling Units/Acre:** 12
- ◆ **Maximum Dwelling Units/Acre w/o Community Water and Sewer:** 1
- ◆ **Maximum Building Height:** 2½ stories, or 40'
- ◆ **Minimum Building Setbacks (a)**
 Front: 30 ft.
 Side: 10 ft. (each side)
 Rear: 35 ft. (b)
- ◆ **Maximum Lot Coverage:** N/A
- ◆ **Minimum Living Space Dimensions:** 12' width
- ◆ **Minimum Floor Area (One Family):** 768 sq. ft.
- ◆ **Minimum Floor Area (Multi-Family):** 576 sq. ft.

(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.

(b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

MHC DISTRICT



2. USES PERMITTED BY RIGHT. A building or parcel within the MHC district shall be used for the following purposes only:
 - a. Detached single family dwellings. Such uses shall not require site plan review.
 - b. Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222 and Cluster Subdivision, subject to the provisions of Section 226.
 - c. Essential Service Facility, Routine
 - d. Multiple family dwellings
 - e. Lodging and boarding houses
 - f. Manufactured housing community, subject to the provisions of Section 208.
 - g. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - h. Accessory buildings provided the area of the footprint of the accessory building is less than or equal to that of the principal structure on the parcel. Such uses shall not require site plan review.
 - i. Home occupations; conforming to the provisions of Section 217. Such uses shall not require site plan review.
 - j. Nursing home
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION in accord with the provisions of Article VI of this Zoning Ordinance and subject to the requirements of Section 820 Site Plan Review.
 - a. Accessory buildings where the area of the footprint of the accessory building is greater than that of the principal structure on the parcel, subject to the provisions of Section 603.
 - b. Bed & Breakfast facilities, subject to the provisions of Section 606.
 - c. Essential Service Facility, Major, subject to the provisions of Section 628
 - d. Places of public assembly, large and small, subject to Section 636.
 - e. Education facilities, subject to the provisions of Section 619.
 - f. Foster Care, Adult, serving 7 or more residents, subject to the provisions of Section 622.
 - g. Group day care for 7 to 12 children, subject to the provisions of Section 616.
 - h. Day Care Center or Child Care Center, subject to the provisions of Section 617.
 - i. Mini-warehouse of no more than 8,000 square feet, subject to the provisions of Section 630.
 - j. Planned unit developments subject to Section 637
4. DIMENSIONAL STANDARDS. Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

EBC

**ARTICLE IV
DISTRICT STANDARDS
SECTION 409 EAST BAY CORNERS DISTRICT, EBC**

SECTION 409 EAST BAY CORNERS (Revised 1/27/14 and 5/14/18)

1. INTENT. The East Bay Corners District is intended to accommodate locally oriented developments, in rational mixed-use patterns. The purpose of the district is to form a community core by providing for higher density residential uses, commercial uses serving the local area, and appropriate public and semi-public activities. Each of the land uses within the District shall be well integrated and designed with priority to quality development and aesthetic design accommodating pedestrian activities within a developed site. Where public sewer or water service is not currently available in this zoning district, it is anticipated that such service shall become available in the foreseeable future and consequently new development within this zoning district should be formed in anticipation of such service. Development within the District shall:
 - a. Be designed in such a manner that will lead to compatible, efficient and attractive uses of property.
 - b. Encourage unique retail, office and/or residential use alternatives.
 - c. Establish a central place in East Bay Township that will define the community character and generate an identity for the Township.
 - d. Provide a central location for township services including the Township Hall and future facilities.
 - e. Facilitate efficient traffic flow and encourage inviting and walkable elements, such as sidewalk cafes, screened parking, and enhanced landscape criteria.

PERMITTED USES

- | | |
|---|--|
| ◆ Accessory Buildings, with floor area less than or equal to the footprint of the principal structure | ◆ Bed and Breakfast * three or less guest rooms, subject to Section 234 (Revised 2/10/20) |
| ◆ Accessory dwelling units subject to Section 234 (Revised 2/12/18) | ◆ Antique Store |
| ◆ Bakery or confectionery shop | ◆ Appliance repair and sales |
| ◆ Book store | ◆ Banks |
| ◆ Drug, gift, party/notions & souvenir stores | ◆ Convenience store, including gasoline sales |
| ◆ Dwelling, Two-family (Revised 7/9/12) | ◆ Dwelling, Single Family Detached |
| ◆ Essential service facility, routine | ◆ Dwelling, Multiple |
| ◆ Grocery store, including gasoline sales | ◆ Galleries, Art, Craft, and Hobby Supply Stores |
| ◆ Hardware, nurseries, greenhouses, floral shops | ◆ Group day care |
| ◆ Jewelry Store | ◆ Home occupation |
| ◆ Neighborhood Local Business | ◆ Laundry & dry cleaner |
| ◆ Laundromat | ◆ Personal services |
| ◆ Professional offices | ◆ Places of public assembly - Small |
| ◆ Seasonal merchandise including outdoor sales | ◆ Public Parks |
| ◆ Studios for performing and graphic arts | ◆ Restaurants (but not including drive-through) |
| ◆ Video stores | ◆ Sporting goods stores |
| ◆ Uses similar to uses permitted by right | ◆ Township uses |
| | ◆ Wearing apparel, accessory or shoe store |

SPECIAL LAND USES

- | | |
|---|---|
| <ul style="list-style-type: none">◆ Accessory Buildings, with floor area greater than or equal to the footprint of the principal structure◆ Car Wash◆ Day Care Center or Child Care Center◆ Education Facilities◆ Fitness Centers◆ Planned Unit Development◆ Bed and Breakfast * four to ten guest rooms, subject to Section 234 (Revised 2/10/20) | <ul style="list-style-type: none">◆ Building, Electrical, Mechanical and Plumbing Contractors, but without outdoor storage◆ Bed & Breakfast◆ Combinations of uses◆ Commercial Establishment with drive through (but excluding restaurants)◆ Essential Service Facility, Major◆ Hotels and Motels |
|---|---|

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820.
- ◆ Parking and Loading requirements subject to Article VII; in addition, parking will be required to be well buffered using aesthetic fencing, landscaping or other screening. Parking will be positioned to the rear of the primary use where possible.
- ◆ Lighting requirements, subject to Section 210.
- ◆ Landscaping and Buffering requirements, subject to Section 229.

DISTRICT REGULATIONS (Revised 12/28/15)

- ◆ **Minimum Lot Area:** 20,000 sq. ft.
 - ◆ **Minimum Lot Width:** 100 ft.
 - ◆ **Maximum Dwelling Units/Acre:** 8 (Plus one accessory dwelling unit) **(Revised 2/12/18)**
 - ◆ **Max. Height:** 2½ stories, or 35'
 - ◆ **Minimum Building Setbacks:**
 - Front: 30 ft. ^(a)
 - Side: 10 feet each side
 - Rear: 20 ft.
 - ◆ **Maximum Building Footprint:** 30,000 sq. ft. ^(b)
- ^(a) Buildings shall be setback 100' from Centerline of Hammond Road and Three Mile Road and 53' from Carlise
- ^(b) The Planning Commission may approve exceptions to allow a larger building footprint pursuant to Section 504, 3 and Section 624

2. USES PERMITTED BY RIGHT: The following uses are permitted, subject to the requirements of Site Plan Review as set forth in Article VIII, Section 820 of the Zoning Ordinance.
- a. Accessory buildings with floor area less than or equal to the foot print of the principal structure.
 - b. Accessory uses related to uses permitted by right. Such uses shall not require site plan review.
 - c. Antique Store
 - d. Appliance Sales and Repair
 - e. Bakery and Confectionery Shop
 - f. Banks
 - g. Book Store
 - h. Convenience store, including gasoline sales
 - i. Drug store, Gift and Souvenir Shops
 - j. Dwellings, single family detached
 - k. Dwelling, two-family (**Revised 7/9/12**)
 - l. Dwellings, multiple.
 - m. Essential Service Facility, Routine
 - n. Floral Shops
 - o. Galleries, Art and Craft Shops and Hobby Supply
 - p. Grocery store, including gasoline sales.
 - q. Group Day Care
 - r. Hardware, Nurseries and Greenhouses
 - s. Home Occupations
 - t. Jewelry store
 - u. Laundry & dry cleaner
 - v. Laundromat
 - w. Neighborhood Local Business
 - x. Party and notions stores
 - y. Personal services
 - z. Places of Public Assembly – Small
 - aa. Professional Offices
 - bb. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - cc. Restaurants, excluding drive-through
 - dd. Seasonal Merchandise Sales, including outside sales, not to exceed thirty (30) days in any one (1) year period.

- ee. Sporting goods stores
 - ff. Studios for performing and graphic arts
 - gg. Township Uses
 - hh. Uses Similar to Uses Permitted by Right. A determination of whether a proposed use is similar to uses permitted by right shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses permitted by right. If the Zoning Administrator determines that such use is similar to the uses permitted by right, a report outlining the determination shall be provided to the Planning Commission with a recommendation for approval of the required site plan.
 - ii. Video Store
 - jj. Wearing Apparel, Accessories or Shoe Store.
 - kk. Accessory dwelling units subject to section 234 (Revised 2/12/18)
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION: The following uses, may be permitted as Special Land Uses subject to the requirements of Article VI and the Site Plan review and approval by the Township Planning Commission as set forth in Article VIII, Section 820 of the Zoning Ordinance.
- a. Accessory buildings with floor area greater than the foot print of the principal structure, subject to the provisions of Section 603.
 - b. Bed & Breakfast, subject to the provisions of Section 606.
 - c. Building, Electrical, Mechanical and Plumbing Contractors, but without outdoor storage and subject to the provisions of Article VI.
 - d. Car wash, if connected to public sewers, and subject to the provisions of Section 611.
 - e. Combinations of uses, subject to the provisions of Section 409, 6.
 - f. Commercial establishments with drive through facilities (excluding restaurants), subject to the provisions of Section 614.
 - g. Day Care Center or Child Care Center, subject to the provisions of Section 617.
 - h. Education facilities, subject to the provisions of Section 619
 - i. Essential Service Facility, Major, subject to the provisions of Section 628
 - j. Fitness Centers, subject to the provisions of Section 623
 - k. Hotels and Motels, subject to the provisions of Article VI.
 - l. Planned Unit Developments; subject to the provisions of Section 637.
4. REGULATIONS AND CONDITIONS: Development within the East Bay Corners District shall meet the following general standards:

- a. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of East Bay Township residents.
 - b. The use shall be consistent with the East Bay Township Comprehensive Plan and Future Land Use Map as set forth in this Article.
 - c. The development shall consolidate and maximize usable open space with comfortable pedestrian access.
 - d. An inviting pleasant outdoor environment shall be provided as appropriate to accommodate outdoor activities. This may include attractive landscaping, lighting, outdoor furniture and similar amenities to buffer shoppers from parking areas, roadways and service facilities, such as dumpsters and loading docks.
 - e. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well-defined. Street trees shall be planted every 40 feet on center along sidewalks as a buffer between pedestrian use and vehicular use. All parking shall be well buffered and placed to the rear or side of buildings where possible. Shared access to parking areas will be required, where appropriate.
 - f. In addition to compliance with Section 229, all landscaping features must include some year-round structures or coniferous plantings, which are strategically placed to shelter pedestrians from the ill effects of harsh weather while remaining aesthetically pleasing.
5. **SITE DESIGN STANDARDS:** The following standards shall apply to all development within the East Bay Corners District.
- a. **Parking** – a majority of the required parking shall be located at the side rear of the primary use. Where cross access is provided between adjoining uses, not more than twenty-five percent (25%) of the required parking shall be provided in front of the principal use. Where cross access is not provided, no more than ten percent (10%) percent of the required parking shall be provided in front of the principal use. In all cases, parking areas shall include landscaped buffering to screen parking areas from adjacent uses and public roads. Parking areas consisting of more than thirty parking spaces shall incorporate viable planting islands of not less than 400 square feet for each 30 parking spaces, or fraction thereof. Within parking lots pedestrian walkways shall be designated with alternate pavement materials.
 - b. **Shared Driveways and Cross Access.** All development within the East Bay Corners District shall incorporate cooperative shared access or cross access arrangements to encourage pedestrian and vehicular inter-connections. Mixed use and multiple-use developments shall be designed to allow pedestrian and vehicular traffic to move safely within the development and to adjoining parcels without requiring access to arterial roadways. All new land divisions of any type within the East Bay Corners District shall be required to grant a cross-access easement to adjoining parcels and new land divisions that adjoin an existing

parcel which has granted cross access shall not be entitled to an additional driveway to Three Mile or Hammond Road. Exceptions to the terms of this subparagraph provision may be granted by the Planning Commission when it is demonstrated that:

- 1) Compliance is physically impossible due to existing topographic conditions or buildings, or
 - 2) Compliance would result in unsafe conditions that cannot otherwise be mitigated.
- c. Sidewalks – Public sidewalks shall be required adjoining the public road. Sidewalks shall be separated from vehicular travel surfaces by curbing and/or a landscaped parkway area. Sidewalks shall be constructed of concrete or asphalt pavement with a minimum width of five (5) feet.
- d. Water and Sewer services shall be required for all development in this district.
- e. Utilities should be placed as unobtrusively to vehicle and pedestrian traffic as possible and underground, in all instances except with the approval of the Planning Commission.
- f. Landscaping – Landscaping shall be provided in accordance with the provisions of Section 229. Multi-family areas of six units or more shall provide an open space area or play facility.
- g. Architecture. The following standards shall be satisfied for all new buildings in the East Bay Corners District, except where the Planning Commission finds mitigating circumstances that make compliance unfeasible. For the purposes of this section, neither the fact that the applicant could incur additional costs to achieve full compliance, or receive additional income with less than full compliance, shall be considered a mitigating circumstance.
- 1) Exterior Style and Materials. Exterior building materials shall include any combination of wood, brick, stone, stucco or cement panels formed to resemble traditional materials. Common cement block, vinyl, steel, aluminum or other synthetic materials siding shall be limited to building facades without high visibility exposure to public areas or rights-of-way. Sloped roofs shall be required in all applications, except with the approval of the Planning Commission.
 - 2) Large display windows shall be required for first floor retail and restaurant uses. At least (50%) of the exterior wall for retail space shall consist of glass display windows. For structures intended for other uses, at least ten percent (10%) of each wall shall consist of window openings, if visible from public areas or rights-of-way. Buildings shall be oriented to screen expansive views of parking lots from view from the street where possible.
 - 3) Building Presentation. Buildings shall provide a covered entry at all storefronts. Such covered entry may be permanent or retractable and with or without posts. Building facades shall include articulation at intervals no greater than thirty (30) feet. Such articulation may include actual or faux

window, pilasters, changes in exterior materials, architectural detailing or other approaches to eliminate long, unbroken wall surface areas. Where windows or façade articulation are demonstrated to be detrimental to the proposed use within the building, the Planning Commission may consider a proposed combination of foundation plantings and container plantings to break the visual monotony of building facades.

- h. Lighting. In accord with Section 210, outdoor lighting should be designed to increase pedestrian safety; measures should be taken to preserve dark skies and reduce glare.
 - i. Signs Standards. The standards of Section 215, shall apply in the East Bay Corners District.
6. COMBINATIONS OF USES. In the review of site plans and/or special land use permit applications for uses involving combinations of uses otherwise permitted by right or by special land use approval in the EBC district, the Planning Commission shall find that all such uses shall be mutually compatible with one another and that all special land use standards applicable to any such component use in a combined land use shall be met. Provided, however, that the Planning Commission may approve joint parking arrangements to serve such combined uses as provided in Section 700.3.

LB

**ARTICLE IV
DISTRICT STANDARDS
SECTION 411 LOCAL BUSINESS DISTRICT, LB**

SECTION 410 COMMERCIAL DISTRICT USES

Buildings and/or lots within Commercial districts shall be used as follows:

SECTION 411 LOCAL BUSINESS DISTRICT, LB

1. INTENT. This district is primarily a convenience service district with only those commercial uses allowed which are compatible with nearby residential development. The District is intended to serve a local area within East Bay Township as opposed to a regional area of several townships or counties. The standards for developing the commercial uses are intended to limit the conflicts that might arise due to commercial and residential districts being located adjacent to one another.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
- ◆ Accessory uses related to uses permitted by right
- ◆ Appliance, repair and sales
- ◆ Bank
- ◆ Essential Service Facility, Routine
- ◆ Car Wash, if connected to sewer
- ◆ Grocery Store, with or without gasoline sales
- ◆ Gasoline Station
- ◆ Party, drugs and notions store
- ◆ Hardware store
- ◆ Places of Public Assembly
- ◆ Personal services
- ◆ Restaurants
- ◆ Professional offices
- ◆ Commercial Subdivisions, and condominium subdivisions, clustered or traditional subject to Section 222 and the Subdivision Control Ordinance.
- ◆ Showroom for office and building trades
- ◆ Video Store
- ◆ Wearing apparel, accessory and shoe store
- ◆ Uses similar to uses permitted by right

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Day Care Center or Child Care Center
- ◆ Construction equipment sales and service
- ◆ Foster Care, Adult (7+ residents), subject to Section 622
- ◆ Dwelling, single-family detached
- ◆ Laundry and dry cleaning establishment
- ◆ Essential Service Facility, Major
- ◆ Mini-warehouse, self-storage of 8,000 sq. ft., or less
- ◆ Commercial establishments with drive-through facilities
- ◆ Personal wireless communication facilities
- ◆ Planned Unit Developments, subject to Section 637

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory uses related to uses permitted by right.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229

DISTRICT REGULATIONS (Revised 12/28/15)

- ◆ **Minimum Lot Area:** 25,000 sq. ft.
 - ◆ **Minimum Lot Area w/o Community Water or Sewer:** 40,000 sq. ft.
 - ◆ **Minimum Lot Width:** 125 ft.
 - ◆ **Minimum Lot Width w/o Public Water or Sewer:** 150 ft.
 - ◆ **Maximum Dwelling Units/Acre:** 1
 - ◆ **Maximum Building Height:** 2½ stories, or 35'
 - ◆ **Minimum Building Setbacks:** ^(a)
 - Front: 30 ft.
 - Side: 10 ft. (each side)
 - Rear: 20 ft. ^(b)
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Minimum Floor Area (One family):** 768 sq. ft.
 - ◆ **Maximum Building Footprint:** 30,000 sq. ft. ^(c)
- ^(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- ^(b) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.
- ^(c) The Planning Commission may approve exceptions to allow a larger building footprint pursuant to Section 504, 3 and Section 624

2. **USES PERMITTED BY RIGHT:** The following uses are permitted, subject to the requirements of Site Plan Review as set forth in Article VIII, Section 820 of the Zoning Ordinance.
- a. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12)**
 - b. Accessory uses related to uses permitted by right. Such uses shall not require site plan review.
 - c. Appliance, repair and sales
 - d. Bank, without drive-through facilities

- e. Car wash, if connected to a community sewer
 - f. Essential Service Facility, Routine
 - g. Gasoline stations
 - h. Grocery store, may include gasoline sales.
 - i. Hardware store
 - j. Party stores, drugs and notions.
 - k. Personal services
 - l. Professional offices
 - m. Places of Public Assembly
 - n. Restaurants, without drive-through facilities
 - o. Showroom for office and building trades
 - p. Commercial Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222.
 - q. Wearing apparel, accessory and shoe store
 - r. Video Store, provided drop-off and pick-up areas are arranged to prohibit parking within fire lane areas.
 - s. Uses similar to the above uses permitted by right. A determination of whether a proposed use is similar to uses permitted by right shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses permitted by right. If the Zoning Administrator determines that such use is similar to the uses permitted by right, a report outlining the determination shall be provided to the Planning Commission with a recommendation for approval of the required site plan.
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION: Approved special land uses shall be subject to the requirements of Article VI and the Site Plan review and approval by the Township Planning Commission as set forth in Article VIII, Section 820 of the Zoning Ordinance.
- a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. (Rev. 5/5/12)
 - b. Commercial establishments with drive-through facilities, subject to the provisions of Section 614
 - c. Construction equipment sales and service, subject to the provisions of Section 615
 - d. Day Care Center or Child Care Center, subject to the provisions of Section 617
 - e. Dwelling, single family detached, subject to the provisions of Section 621

- f. Essential Service Facility, Major, subject to the provisions of Section 628
 - g. Foster Care, Adult, serving 7 or more residents, subject to the provisions of Section 622
 - h. Laundry and dry cleaning establishments subject to the provisions of Section 627
 - i. Mini-warehouse, self-storage of 8,000 square feet, or less subject to the provisions of Section 630
 - j. Personal wireless communication facilities, subject to the provisions of Section 634
 - k. Planned Unit Developments; subject to the provisions of Section 637
4. EXCLUDED USES: No storage yard, stock yard, slaughter house, meat processing plant, pelt producing or processing establishment, nor any business likely to create obnoxious or harmful smoke, noise, odors, fumes or vibrations shall be located in this District.
5. DIMENSIONAL STANDARDS. Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

RB

**ARTICLE IV
DISTRICT STANDARDS
SECTION 412 REGIONAL BUSINESS DISTRICT, RB**

SECTION 412 REGIONAL BUSINESS DISTRICT, RB (Revised 6/24/06 and 5/14/18)

1. INTENT. This district is intended to provide for commercial, retail, and recreational enterprises intended to serve the greater Grand Traverse region and the tourist industry. Uses in this district may have special development requirements and characteristics which may be unique due to their proximity to other tourism and recreational facilities in the Grand Traverse region. These facilities may have unique characteristics with regard to the number of patrons which may attend functions at any one time; parking, mix of uses, noise, night lighting, fencing, etc. Such uses may utilize land areas which are ecologically sensitive or may require particular treatment to protect the environment, and therefore require a special use permit issued by the Township.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal structure
- ◆ Accessory uses related to uses permitted by right
- ◆ Antique store
- ◆ Combinations of uses permitted by right, subject to Section 412.6
- ◆ Convenience store, excluding gasoline sales
- ◆ Drug store
- ◆ Drug store
- ◆ Essential Service Facility, Routine
- ◆ Grocery store, without gasoline sales
- ◆ Hotels and motels
- ◆ Jewelry store
- ◆ Party, drugs and notions store
- ◆ Marinas and uses incidental thereto
- ◆ Photographic developing sales and supplies
- ◆ Personal services
- ◆ Places of Public Assembly
- ◆ Professional offices
- ◆ Public parks
- ◆ Public recreation facility, excluding carnival
- ◆ Recreation facilities
- ◆ Restaurant
- ◆ Sporting, recreation and bicycle shop
- ◆ Commercial Subdivisions, and condominium subdivisions, clustered or traditional subject to Section 222 and the Subdivision Control Ordinance.
- ◆ Uses similar to uses permitted by right
- ◆ Walkways, elevated, open or enclosed
- ◆ Video Store
- ◆ Wearing apparel, accessory and shoe store

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal structure
- ◆ Adult Businesses
- ◆ Billboards
- ◆ Car wash, if connected to public sewer
- ◆ Commercial establishments with drive-through facilities
- ◆ Dwelling, multiple
- ◆ Fitness Centers
- ◆ Essential Service Facility, Major
- ◆ Laundry and dry cleaning establishment
- ◆ Personal wireless communication facilities
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Combinations of uses permitted by right or as special land uses, subject to Section 412.6.

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory uses related to uses permitted by right
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229.
- ◆ Regional Business site development standards, subject to Section 412,6

DISTRICT REGULATIONS (Revised 12/28/15)

- ◆ **Minimum Lot Area:** 20,000 sq. ft.
 - ◆ **Minimum Lot Width:** 100 ft.
 - ◆ **Maximum Dwelling Units/Acre:** N/A
 - ◆ **Maximum Building Height:** 35'/50^(a)
 - ◆ **Minimum Building Setbacks:**
 - Front 30 ft.
 - Side 10 ft.^(b) /15 ft.^(c)
 - Rear 20 ft. ^(d)
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Maximum Building Footprint:** 30,000 sq. ft.^(e)
- (a) For parcels south of US-31
- (b) Adjoining another commercial use
- (c) Adjacent to a detached single family dwelling
- (d) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay and 100' for properties located on Mitchell and Baker Creeks.
- (e) The Planning Commission may approve exceptions to allow a larger building footprint pursuant to Section 504, 3 and Section 624

2. **USES PERMITTED BY RIGHT:** The following uses are permitted, subject to the requirements of Site Plan Review as set forth in Article VIII, Section 820 of the Zoning Ordinance.
- a. Accessory buildings with floor area less than or equal to the foot print of the principal structure
 - b. Accessory uses related to uses permitted by right. Such uses shall not require site plan review
 - c. Antique store
 - d. Combinations of uses permitted by right in the RB district, subject to Section 412.6.
 - e. Convenience store, excluding gasoline sales
 - f. Drug store

- g. Essential Service Facility, Routine
- h. Grocery store, excluding gasoline sales.
- i. Hotels and motels
- j. Jewelry store
- k. Marinas and uses incidental thereto
- l. Party stores, drugs and notions
- m. Personal services
- n. Photographic developing sales and services
- o. Places of Public Assembly
- p. Professional offices
- q. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
- r. Public recreation facility, excluding carnivals
- s. Recreation facilities, subject to the following requirements:
 - (1) In the area between US-31 and East Grand Traverse Bay, it is expected that private recreational facilities will be associated with allowed commercial uses and will not normally be of a type that would require a separate admission payment for its use, although it may be available only to paying guests of the commercial establishment.
 - (2) In the area between US-31 and the present C & O Railroad right-of-way it may be a separate facility charging admission and operating as an independent commercial use if it is approved as a special use by the Township.
 - (3) In all uses; noise, lighting, traffic, and hours of operation will be compatible with residential uses, including motels and hotels.
- t. Restaurant
- u. Sporting, recreation and bicycle shop
- v. Commercial Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222
- w. Uses similar to the above uses permitted by right. A determination of whether a proposed use is similar to uses permitted by right shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses permitted by right. If the Zoning Administrator determines that such use is

similar to the uses permitted by right, a report outlining the determination shall be provided to the Planning Commission with a recommendation for approval of the required site plan

- x. Video Store, provided drop-off and pick-up areas are arranged to prohibit parking within fire lane areas
 - y. Walkways, elevated, open or enclosed. The following standards shall be applied in the review of a site plan pursuant to Section 820 related to an elevated walkway:
 - (1) The walkway structure shall not be lower in elevation than the ceiling height of the first floor of the principal structure.
 - (2) Shall not impede the ground level view from US-31 North to Grand Traverse Bay.
 - (3) Shall not exceed one (1) story in height.
 - (4) Side yard setbacks shall be waived for such structure, however, all supporting posts shall meet side yard setbacks, provided that the minimum open space between buildings giving visual access to Grand Traverse Bay from US-31 North shall be fifty (50) feet.
 - (5) No such walkway shall be approved which has been found by the Planning Commission to be detrimental to the surrounding properties or uses of US-31 North through the loss of visual access to Grand Traverse Bay.
 - (6) Emergency vehicle access to the bayfront side of connecting buildings shall not be eliminated by such walkway.
 - z. Wearing apparel, accessory and shoe store
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION: Approved special land uses shall be subject to the requirements of Article VI and the Site Plan review and approval by the Township Planning Commission as set forth in Article VIII, Section 820 of the Zoning Ordinance.
- a. Accessory buildings with floor area greater than the foot print of the principal structure, subject to the provisions of Section 603.
 - b. Adult businesses, subject to the provisions of Section 609.
 - c. Billboards, subject to the provisions of Section 607.
 - d. Car wash, if connected to public sewers, and subject to the provisions of Section 611.
 - e. Combinations of uses otherwise permitted by right or as special land uses within the RB district, subject to Section 412.6.
 - f. Commercial establishments with drive-through facilities, subject to the provisions of Section 614.
 - g. Dwelling, multiple, subject to the provisions of Section 618.

- h. Essential Service Facility, Major, subject to the provisions of Section 628
 - i. Fitness Centers, subject to the provisions of Section 623.
 - j. Laundry and dry cleaning establishments, subject to the provisions of Section 627.
 - k. Personal wireless communication facilities, subject to the provisions of Section 634.
 - l. Planned Unit Developments; subject to the provisions of Section 637.
4. DIMENSIONAL STANDARDS. Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.
 5. COMBINATIONS OF USES. In the review of site plans and/or special land use permit applications for uses involving combinations of uses otherwise permitted by right or by special land use approval in the RB district, the Planning Commission shall find that all such uses shall be mutually compatible with one another and that all special land use standards applicable to any such component use in a combined land use shall be met. Provided, however, that the Planning Commission may approve joint parking arrangements to serve such combined uses as provided in Section 700.3.
 6. REQUIRED CONDITIONS for ALL USES: All uses permitted either by right or as a special use are also subject to the following conditions in addition to any imposed in other sections;
 - a. OPEN SPACE: All lots shall have a minimum of twenty-five percent (25%) of total lot area devoted to landscaped open space, of which thirty percent (30%) of this area shall contain woody vegetation (trees and shrubbery). Landscaped open space does not including driveways and parking. Further, all existing trees over five inches (5") in diameter, shall be retained as possible.
 - b. MAXIMUM BUILDING WIDTH: On parcels between US-31 North and Grand Traverse Bay, no building shall exceed one hundred and fifty (150) feet in width, as measured parallel to US-31 North.
 - c. BUILDING SETBACK FROM RIVERS and STREAMS: Where a lot adjoins or is intersected by a river or stream, any structure located thereon shall be set back a minimum of fifty (50) feet from said water for DNR designated trout streams, and fifteen (15) feet from the water of other rivers and streams, unless a one hundred (100) year flood plain is established and approved by the Township, in which event the setback line will be the one hundred (100) year flood elevation line.
 - d. BUILDING SEPARATION SETBACK: All buildings and structures shall be separated a minimum of ten (10) feet between each other. PROVIDED, HOWEVER, for parcels between US-31 North and Grand Traverse Bay, this minimum separation between buildings and structures shall be thirty (30) feet

and shall be designed and arranged so that there is a clear view to the Bay from the highway.

- e. PEDESTRIAN SIDEWALK: A Pedestrian sidewalk five (5) feet wide, shall be established and extending along the entire front of the parcel. Sidewalks must meet State of Michigan Construction Standards, may be located whenever possible within the highway right-of-way along the property line, or may be on private land to avoid obstructions. Curb-cuts must be brought into compliance, and a permit (if required) must be obtained from the State of Michigan.
- f. PARKING LOTS: Parking lots may be established in the front yard, providing that they are set back a minimum of twenty (20) feet from the street curb.
- g. PERMITTED HEIGHT EXCEPTIONS:
 - 1) For Parcels between US-31 North and Grand Traverse Bay: Principal buildings may be erected to a height not to exceed fifty (50) feet, PROVIDED that one or both side yard minimums and/or each clear view corridor to the Bay is increased two (2) feet for each one (1) foot of additional height above the district maximum.
 - 2) For Parcels south of US-31 North: Principal buildings may be erected to a height not to exceed eighty (80) feet, PROVIDED that the twenty-five percent (25%) minimum landscaped open space requirement is increased one percent (1%) for each six (6) feet of additional height above the district maximum.
- h. ACCESS CONTROL: It is the intent that access driveways on Munson Ave/US-31 North shall be a minimum distance of 400 feet separation between each other. It is also the intent that all parcels shall have interconnections between each other by establishing a front or rear connection between properties.
 - (1) One driveway shall be permitted for each development or project.
 - (2) Additional driveways may be permitted within a parcel providing that the development has more than 400 feet of continuous frontage, and that each driveway is located in such a way that there is 400 feet separation between each driveway measured between the centerline of each driveway.
 - (3) All existing and future developments and projects upon submission through the site plan review process shall contain a service drive unless the applicant can demonstrate that the access plan is not feasible from a public safety, engineering, traffic flow, or natural features respect. These accesses shall be a minimum of 20 feet in width, and mutually maintained by the owners of said property. Reduction in parking requirements may be approved for establishing these accesses.
 - (4) Corner lots may contain a driveway on both roads providing that the driveway approaching (right lane) intersection is located a minimum of 350 feet from the nearest edge of the traveled portion of the major thoroughfare, and the driveway leaving the site is located a minimum of 150 feet from the nearest

edge of the traveled portion of the major thoroughfare. If a corner parcel does not contain this minimum required frontage, they still may have driveways on both roads, providing that the applicant can demonstrate that the access plan is not feasible from a public safety, engineering, traffic flow, or natural features respect, and that driveway locations are such that they can comply as close as possible with the intent of this requirement.

- (5) The service drive shall be maintained by the property owners establishing a service drive, in a reasonably safe condition, including snow storage.
- (6) Adjacent property owners may and are encouraged to consolidate their driveways by using either a shared access drive or a service drive. Service drives may be located within the highway right-of-way (if approval is received from the appropriate Road Authority), or on private property outside of the right-of-way. Bonuses may be approved by the Planning Commission which include increased building coverage, reduction of landscape open space, yard setbacks and parking limits for consolidating adjacent driveways.

PO

**ARTICLE IV
DISTRICT STANDARDS
SECTION 413 PROFESSIONAL OFFICE DISTRICT, PO**

SECTION 413 PROFESSIONAL OFFICE DISTRICT, PO (Revised 12/28/15 and 3/26/16)

1. INTENT. This district is intended to provide for service-oriented enterprises and institutions having relatively low traffic generation and normal daytime and evening hours. It is intended that this district be suitable as a buffer between residential and commercial zones, and that the general character of development within the zone be in keeping with adjacent residential areas. It is intended that access is limited to as few curb cuts as possible. Further, it is intended that office building "park" or professional office cluster-type developments be encouraged.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal structure
- ◆ Accessory uses related to uses permitted by right
- ◆ Bank
- ◆ Combinations of uses permitted by right in the PO district, subject to Section 413.6.
- ◆ Essential Service Facility, Routine
- ◆ Office, clustered subdivision
- ◆ Professional office
- ◆ Publicly owned buildings, exchanges, utility offices
- ◆ Office Subdivisions, and condominium subdivisions, clustered or traditional subject to Section 222 and the Subdivision Control Ordinance.
- ◆ Uses similar to uses permitted by right

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal structure
- ◆ Combinations of uses permitted by right or special land use in the PO district, subject to Section 413.6.
- ◆ Essential Service Facility, Major
- ◆ Mortuary
- ◆ Personal Wireless Communication Facilities
- ◆ Planned Unit Developments, subject to Section 637

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, and detached single family dwellings in other than a cluster sub-division.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229.

DISTRICT REGULATIONS (Revised 12/28/15 and 3/26/16)

- ◆ **Minimum Lot Area:** 20,000 sq. ft.
 - ◆ **Minimum Lot Width:** N/A
 - ◆ **Maximum Dwelling Units/Acre:** N/A
 - ◆ **Maximum Building Height:** 35 ft.
 - ◆ **Minimum Building Setbacks:**
 - Front: 20 ft.
 - Side: 10 ft.
 - Rear ^(a): 20 ft.
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Minimum Floor Area:** N/A
 - ◆ **Maximum Building Footprint:** 30,000 sq. ft.^(b)
- ^(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- ^(b) The Planning Commission may approve exceptions to allow a larger building footprint pursuant to Section 504, 3 and Section 624.

2. **USES PERMITTED BY RIGHT:** The following uses shall be permitted, subject to the requirements of Site Plan Review by the Township Planning Commission as set forth in Article VIII, Section 820.
- a. Accessory buildings with floor area less than or equal to the footprint of the principal structure.
 - b. Accessory uses related to uses permitted by right.
 - c. Banks, credit unions, savings and loan associations and similar uses.
 - d. Combinations of the uses permitted by right in the PO district, subject to Section 413.6.
 - e. Essential Service Facility, Routine.
 - f. Professional Offices, including offices for any of the following: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, and related occupations; subject to the following limitations:
 - 1) No interior display shall be visible from the exterior of the building.
 - 2) No outdoor storage of goods or materials shall be permitted.
 - 3) No warehousing or indoor storage of goods or material, beyond that normally incident to the above uses shall be permitted.
 - g. Medical or dental clinics and offices, provided that no patients are accommodated overnight.
 - h. Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.
 - i. Office Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222.

- j. Uses similar to the above uses permitted by right. A determination of whether a proposed use is similar to uses permitted by right shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses permitted by right. If the Zoning Administrator determines that such use is similar to the uses permitted by right, a report outlining the determination shall be provided to the Planning Commission with a recommendation for approval of the required site plan.
3. **SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION:** The following special land uses may be permitted, subject to the conditions herein specified for each use, and after review and approval by the Planning Commission as specified in Article VI and also subject to the requirements of the Site Plan Review provisions of Article VIII, Section 820.
 - a. Accessory buildings with floor area greater than the footprint of the principal structure, subject to the provisions of Section 603.
 - b. Combinations of uses permitted by right or special land use approval in the PO district, subject to Section 413.6.
 - c. Essential Service Facility, Major, subject to the provisions of Section 628.
 - d. Mortuary establishments subject to the provisions of Section 632.
 - e. Personal wireless communication facilities, subject to the provisions of Section 634.
 - f. Planned Unit Developments; subject to Section 637.
4. **REQUIRED CONDITIONS for ALL USES:** All uses permitted either by right or as a special use within the PO district shall be subject to the following conditions in addition to any imposed in other sections;
 - a. **OPEN SPACE:** All lots shall have a minimum of twenty percent (20%) of total lot area devoted to landscaped open space, not including parking, and shall retain as many existing trees over five inches (5") in diameter as possible.
 - b. **BUILDING SETBACK from RIVERS and STREAMS:** Where a lot adjoins or is intersected by a river or stream, any structure located thereon shall be set back a minimum of fifty (50) feet.
5. **DIMENSIONAL STANDARDS,** yard, structure height, lot area and lot width shall conform to the requirements of Article V.
6. **COMBINATIONS OF USES.** In the review of site plans and/or special land use permit applications for uses involving combinations of uses otherwise permitted by right or by special land use approval in the PO district, the Planning Commission shall find that all such uses shall be mutually compatible with one another and that all special land use standards applicable to any such component use in a combined land use shall be met. Provided, however, that the Planning Commission may approve joint parking arrangements to serve such combined uses as provided in Section 700.3.

AS

**ARTICLE IV
DISTRICT STANDARDS
SECTION 414 AIRPORT SERVICES DISTRICT, AS**

SECTION 414 AIRPORT SERVICES DISTRICT, AS (Revised 11/5/16 and 12/24/16)

1. INTENT. The Airport Services District is intended to encourage a mix of uses which primarily, but not exclusively, cater to the aviation industry and/or air travelers. It is intended that this district would serve the needs of Cherry Capital Airport and those businesses and individuals who rely on air transportation; be compatible with the Airport Zoning Act, Act 23 of 1950, as amended; and provide a pleasing and well-designed transitional buffer between the airport and nearby residential districts. The AS District is also intended that access will be limited to as few curb cuts as possible, landscaping will be plentiful, natural buffers will be maintained, and uses within this district will be oriented and designed in manner which provides a welcoming gateway to the region.

BUILDING TYPES PERMITTED

- ◆ Single or multi-story structures which encourage a mix of uses.

PERMITTED USES

- ◆ Retail, lodging, offices, personal/business service uses, and multiple-family residential. (Sexually-oriented businesses, outdoor storage and sales, and drive-through facilities are specifically excluded.)

DIMENSIONAL AND BULK STANDARDS

- ◆ All buildings shall meet all of the following dimensional and bulk standards:
 - A. Parcel Depth: 150' minimum
 - B. Parcel Width: 75' minimum
 - C. Street/Front Setback: 25' maximum on South Airport Road and 20' maximum on Townline Road.
 - D. Side Setbacks: 0', except when adjacent to a single-family dwelling, then 25' minimum on the side setback adjacent to a single-family dwelling.
 - E. Rear Setback: 100' minimum from Mitchell Creek or 15' minimum otherwise.
 - F. Building Height: 20' minimum height to a 40' maximum height. Maximum of three (3) stories.
 - G. Maximum Impervious Surface Coverage: 70 percent of gross area of the parcel. (Impervious Surfaces include all areas which prevent the free infiltration of water).
 - H. Maximum Building Footprint: 30,000 square feet.
 - I. Off-Street Parking: All off-street parking shall be located to the side or rear of the parcel and shall not front on South Airport Road or Townline Road with the exception of an access driveway. One (1) space per employee and one (1) space per apartment or hotel room. For all other uses and parking lot design requirements, please refer to Article VII. Parking areas consisting of more than 30 parking spaces shall incorporate viable planting islands of not less than 400 square feet for each 30 parking spaces or fraction thereof. Within parking lots exceeding 50 spaces, pedestrian walkways shall be designated with alternate pavement materials.
 - J. Non-motorized Parking: A minimum of four (4) inverted-U bicycle parking spaces [two (2) racks] located within 50' of the primary entrance of each use.

2. **REQUIRED CONDITIONS FOR ALL USES:** Unless otherwise specified, all uses within the AS district shall be subject to the following conditions in addition to any imposed in other sections;
- a. **AIRPORT ZONING ACT:** All uses shall comply with the standards of Michigan's Airport Zoning Act, Act 23 of 1950, as amended.
 - b. **AIRPORT HAZARD ZONE:** All uses shall comply with the provisions of Section 213.
 - c. **SCREENING FROM RESIDENTIAL ZONING:** Unless separated by a public road or stream, any parcel in the AS district abutting a residential zoning district shall provide screening in the form of a 4.5 foot decorative masonry wall or opaque fence along the length abutting the district with evergreen plantings a minimum six (6) feet in height between the wall/fence and the property line.
 - d. **SITE DESIGN STANDARDS:** The following standards shall apply to all development within the Airport Services district:
 1. **ACCESS CONTROL:** The access control measures of Section 224 shall apply to all developments in the AS District with access to/from South Airport Road.
 2. **SHARED/CROSS ACCESS:** All developments within the Airport Services District shall incorporate cooperative shared access or cross access arrangements to encourage pedestrian, non-motorized, and vehicular inter-connections.
 3. **LOADING:** Loading requirements are subject to the provisions of Section 704.
 4. **PEDESTRIAN SIDEWALKS:** A minimum seven (7) foot wide pedestrian sidewalk shall be installed along the frontage of all parcels facing South Airport Road and a minimum five (5) foot sidewalk shall be installed along the frontage of all parcels facing Townline Road.

If outdoor seating is planned, the sidewalk may be widened to accommodate the outdoor seating area, subject to sufficient landscaping and shade trees being employed for stormwater infiltration, as visual amenities, and for shading.

Sidewalks must meet the Grand Traverse County Road Commission's Construction Standards, may be located whenever possible within the right-of-way along the property line, or may be on private land to avoid obstructions, to avoid damaging/removing healthy trees, and to allow for outdoor seating areas.
 5. **UTILITIES:** All utilities shall be placed underground.
 6. **LANDSCAPING AND BUFFERING:** Site landscaping and buffering shall be provided in accordance with the provisions of Section 229. In addition, one (1) street tree shall be provided for every 75 feet of lineal roadway frontage.

7. LIGHTING: Site lighting shall be designed, installed, and maintained in accordance with the provisions of Section 210.
 8. SIGNS: One (1) permanent ground mounted sign shall be permitted per parcel or series of parcels under one ownership. All such signs shall be a maximum of 6' in height and 36 square feet in surface display area. Digital or changing message signs are specifically excluded.
All illuminated signage shall be externally lighted with fixtures oriented to direct light downwards and only onto the sign face.
 9. WATER AND SEWER: Public water and sewer service shall be required for all developments in the Airport Services District.
3. ARCHITECTURAL STANDARDS: The following standards shall be satisfied for all new buildings in the Airport Services District, except the where the Planning Commission finds mitigating circumstances that make compliance unfeasible. For the purposes of this section, neither the fact that an applicant could incur additional costs to achieve full compliance, or receive additional income with less than full compliance shall be considered a mitigating circumstance.
- A. ARCHITECTURAL STYLE: The architecture of buildings in the Airport Services District should be complimentary to the exterior appearance and architectural style of the Cherry Capital Airport terminal building (see photo below), particularly regarding sloped/pitched roof design and window presentation.



- B. EXTERIOR BUILDING MATERIALS shall include any combination of wood, brick, glass, stone, or cement panels formed to resemble traditional materials. Common cement block, vinyl, steel, aluminum, or other synthetic materials siding shall be limited to architectural accents/detailing.
- C. ROOFS: Whenever practical, sloped/pitched roofs should be used to avoid the appearance of flat roofs. All roof-mounted equipment shall be enclosed or screened from view on all sides of a building.



D. **WINDOWS:** Large display windows shall be required for first floor retail, business/personal service, and restaurant uses. At least 50% of the exterior wall for such uses shall consist of glass display windows. For structures intended for other uses, a least 20% of each wall shall consist of glass window openings, if visible from public areas or rights-of-way.

Reflective or tinted glass which impedes views into a building shall be prohibited.

Windows shall not be covered with opaque materials or blocked by shelving units or displayed goods.

E. **BUILDING PRESENTATION:**

The primary entrance to each building shall be located at street level and facing the street and/or parking lot. Primary entrances shall be designed in a manner which enhances their appearance so they are recognizable from the adjacent roads and parking areas.

Whenever practical, buildings should provide a covered or recessed entry at all public entrances. Such covered entry may be permanent or retractable and with or without posts. In no case shall plastic or high-gloss awnings be utilized for a covered entry or on the building facade.

Building facades should include articulation at intervals of no greater than 50 feet. Such articulation may include actual or faux window, pilasters, changes in exterior materials, architectural detailing, or other approaches to eliminate long, unbroken wall surface areas.

Where windows or façade articulation are demonstrated to be detrimental to the proposed use within the building or to site aesthetics, the Planning Commission may consider a proposed combination of foundation plantings, container plantings, or other features to break the monotony of building facades.

The architectural character of the building(s) situated at the southeast corner of South Airport and Townline Roads should incorporate accents and details that highlight its prominent location.

IND

**ARTICLE IV
DISTRICT STANDARDS
SECTION 415 INDUSTRIAL DISTRICT, IND**

SECTION 415 INDUSTRIAL DISTRICT, IND

1. INTENT: The industrial land uses in the industrial district are intended to be formed in organized planned developments which are developed for a community of industries with the following purpose:

To make available a wide range of suitable sites for all types of manufacturing and related activities, to protect residences by separating them from manufacturing activities by prohibiting the use of this space for new residential development, to permit the location of manufacturing plants on the basis of ability to comply with performance standards rather than of produce or process, and to protect manufacturing and related developments against congestion by limiting the bulk of buildings in relation to the land around them and to one another.

The plan of an industrial area should also include provisions for transportation, utilities, the use of land, and must ensure adequate control of the area and buildings through zoning regulations, private restrictions incorporated as legal requirements in deeds of sale or leases, and the provision of continuing management for the intent of protecting the investments of both developers of the district and industries occupying improved sites.

PERMITTED USES (Revised 5/5/12 and 5/13/19)	
<ul style="list-style-type: none"> ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* ◆ Architecture, engineering and design businesses ◆ Construction equipment sales and supplies ◆ Industrial Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 222 and the Subdivision Control Ordinance ◆ Manufacturing and processing operations ◆ Packaging, canning and bottling operations ◆ Professional offices, subject to Section 415,2,m. ◆ Showroom for office and building trades ◆ Crematoriums, as defined in Section 1404.C. 	<ul style="list-style-type: none"> ◆ Accessory uses related to uses permitted by right ◆ Building, electrical, mechanical and plumbing contractors ◆ Fabrication and assembly operations ◆ Essential Service Facility, Routine ◆ Laboratories ◆ Medical Marihuana Primary Caregiver Facility, pursuant to Section 232. ◆ Mini-warehouse, self-storage ◆ Printing, publishing and allied industries ◆ Research, development and testing operations ◆ Warehousing of products produced on premises

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. (Rev. 5/5/12)
- ◆ Essential Service Facility, Major
- ◆ Fitness Centers, subject to the provisions of Section 623
- ◆ Limited Retail Sales, subject to the provisions of Section 639
- ◆ Personal wireless communication facilities, subject to the provisions of Section 634
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Vehicle Repair Facilities, subject to Section 638

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings in other than a cluster sub-division and permitted commercial or industrial development within an approved planned. **(Revised 4/21/07)**
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229

DISTRICT REGULATIONS (Revised 12/28/15)

- ◆ **Minimum Lot Area:** 40,000 sq. ft.
 - ◆ **Minimum Industrial Area:** 10 acres
 - ◆ **Minimum Lot Width:** 150 feet
 - ◆ **Maximum Dwelling Units/Acre:** N/A
 - ◆ **Maximum Building Height:** 50 feet
 - ◆ **Minimum Building Setbacks:**
 - Front: 40 ft.
 - Side: 20 ft.
 - Rear ^(a): 40 ft.
 - ◆ **Maximum Lot Coverage:** 50%
 - ◆ **Minimum Floor Area:** N/A
 - ◆ **Maximum Building Footprint:** 50,000 sq. ft. ^(b)
- ^(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- ^(b) The Planning Commission may approve exceptions to allow a larger building footprint pursuant to Section 504, 3 and Section 624.

2. **USES PERMITTED BY RIGHT:** The following uses shall be permitted, subject to the requirements of Site Plan Review as set forth in Article VIII, Section 820.
 - a. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12 and 5/13/2019)**
 - b. Accessory uses related to uses permitted by right
 - c. Architecture, engineering and design businesses
 - d. Building, electrical, mechanical and plumbing contractors
 - e. Construction equipment sales and supplies
 - f. Essential Service Facility, Routine
 - g. Fabrication and assembly operations
 - h. Industrial Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222.
 - i. Laboratories
 - j. Manufacturing and processing operations
 - k. Medical Marihuana Primary Caregiver Facility, pursuant to Section 232 (Rev. 4/24/2011)
 - l. Mini-warehouse, self-storage without regard to floor area size, providing all other dimensional standards of the district are met
 - m. Packaging, canning and bottling operations
 - n. Printing, publishing and allied industries
 - o. Professional and business offices, including medical and dental offices, provided that medical or dental offices shall not accommodate patients overnight. (Rev. 9/8/08)
 - p. Research, development and testing operations
 - q. Showroom for office and building trades
 - r. Warehousing of products produced on premise
 - s. Crematoriums, as defined in Section 1404.C.
3. **SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION:** The following special uses may be permitted, subject to the conditions herein specified for each use, and after review and approval as specified herein, and Articles VI and VIII, Section 820; Site Plan Review provisions.
 - a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. (Rev. 5/5/12)
 - b. Essential Service Facility, Major, subject to the provisions of Section 628
 - c. Fitness Centers, subject to the provisions of Section 623
 - d. Limited Retail Sales, subject to the provisions of Section 639. (Rev. 2/8/10)

- e. Personal wireless communication facilities, subject to the provisions of Section 634
 - f. Planned Unit Developments, subject to the provisions of Section 637
 - g. Vehicle Repair Facilities, subject to Section 638
4. REQUIRED CONDITIONS for ALL USES: All uses permitted either by right or as a special use are also subject to the following conditions in addition to any imposed in other sections;
- a. LOT COVERAGE for BUILDINGS: No more than 50% of the area of the lot may be covered by buildings, including accessory buildings.
 - b. OPEN SPACE: All lots shall have a minimum of twenty-five percent (25%) of total lot area devoted to landscaped open space, of which thirty percent (30%) of this area shall contain woody vegetation (trees and shrubbery). Landscaped open space does not include driveways and parking. All existing trees over five inches (5") diameter breast height, shall be retained as possible.
 - c. LANDSCAPING: The Industrial Park Plan shall include a basic landscaping scheme for the entire development.
 - d. FACING of INDUSTRIAL DISTRICTS: When applicable, industrial uses shall face other business or industrial districts across a road if within a business or industrial district, and shall not face a residential zone which may front on an intersecting or rear street adjacent to such business or industrial zone.
 - e. ACCESS to INDUSTRIAL USES: Where industrial district property abuts two (2) roads, and where that portion of such road abutting industrial district property also abuts any residential district, access to such industrial district property shall be provided only from the road not abutting a residential district.
 - f. STREETS: Primary streets within the development shall have a minimum right-of-way of sixty-six (66) feet and all street improvements shall be subject to the same standards required by Grand Traverse County.
 - g. RAIL SERVICE: Rights-of-way for rail service shall be a minimum of seventeen (17) feet for a single track and thirty-three (33) feet for a double track.
 - h. UTILITIES:
 - 1) Water and sewer: All developments shall be serviced with central water systems, and central sewer systems. Approval of these systems shall be a prerequisite to approval of the Industrial Park Plan.
 - 2) Storm water drainage and retention: The Plan for storm water drainage shall be approved by the Grand Traverse County Drain Commission and Soil Erosion Control Department. Any development shall be designed to provide for retention of Storm water on-site and release it at a rate that occurs normally in the watershed prior to development. Significant vegetative filter areas shall be established between the stream and the outlet of retention basins.
 - 3. Other Utilities: All other utilities shall be placed underground, where applicable.

- i. **WETLANDS and FLOOD PLAINS:** Before any Township approval is considered, all uses shall provide the appropriate state permits regarding wetlands and flood plains or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable laws.
- j. **BUILDING SETBACK from RIVERS and STREAMS:** Where a lot adjoins or is intersected by a river or stream, any structure located thereon shall be setback a minimum of fifty (50) feet from said water.
- k. **BUILDING PROVISIONS in DESIGNATED FLOOD PLAINS:** All development contained within a designated one-hundred (100) year flood plain shall be established above the recommended elevation that is established for that area.
- l. **SCREENING of INDUSTRIAL PROPERTY:** Any lot in the industrial district, abutting or across the street from a residential or the Regional Business district shall provide screening; either a four and one-half (4.5) foot masonry wall or fence of solid or open face construction along the length abutting the district, or evergreen plantings with a minimum of six (6) feet in height and ten (10) feet in depth.
- m. **OUTDOOR STORAGE:** All outside storage shall provide for appropriate screening materials including woody vegetation, walls, or opaque fencing. Outdoor storage shall not be within the front yard of the lot.
- n. **PERFORMANCE STANDARDS:** The following performance standards are intended to ensure that use of property does not unreasonably interfere with another persons' use of their property;
 - a) **Smoke:** No use may emit from a vent, stack, chimney, or combustion process, any smoke that is visible to the naked eye.
 - b) **Noise:** No use shall generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the use, if that use is one of several located on a lot or uses located on adjacent lots. Noise resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.
 - c) **Vibration:** No use shall generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupied by the enterprise generating the vibration, if the enterprise generating the vibration is the only enterprise located on a lot. Vibrations resulting from temporary construction activity that occurs between 7a.m. and 7 p.m. shall be exempt from the requirements of this section.
 - d) **Odors:** For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of the Zoning Administrator and/or a Township appointed panel of healthy observers.
No use may generate any odor that reaches the odor threshold, measured at

the outside boundary of the immediate space occupied by the enterprise generating the odor, or the lot line, if the enterprise generating the odor is the only enterprise located on a lot.

- a) Air: Any use that emits any "air contaminant" as defined in Michigan State Laws shall comply with the applicable state standards concerning air pollution, as set forth in the Michigan State Air Pollution Control Law.

Before any Township approval is considered, all uses shall provide the appropriate state permits regarding the above or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

- b) Disposal of Liquid Wastes: No use may discharge any waste contrary to the provisions of Michigan State law governing discharges of radiological, chemical, or biological wastes into surface or subsurface waters.

No use may discharge into a central sewer system any waste that cannot be adequately treated by biological means.

- c) Electrical Disturbance or Interference: No use may create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or otherwise cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

- 4. DIMENSIONAL STANDARDS, yard, structure height, lot area and lot width shall conform to the requirements of Article V.

SECTIONS 416-420 RESERVED FOR FUTURE USE

AG

**ARTICLE IV
DISTRICT STANDARDS
SECTION 421 AGRICULTURAL - RURAL DISTRICT, AG**

SECTION 421 AGRICULTURAL-RURAL DISTRICT, AG (Revised 5/14/18)

1. **INTENT.** This district is intended to accommodate traditional agriculture activities, while maintaining an alternative residential environment in accessible rural areas at low densities. It also designed to protect community and family values of a rural land character.

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet.* **(Revised 5/5/12)**
- ◆ Keeping of animals*
- ◆ Dwelling, detached single family*
- ◆ Essential Service Facility, Routine
- ◆ Farm operations and farm buildings*
- ◆ Golf courses
- ◆ Home occupations subject to Section 217*
- ◆ Outdoor storage of up to 4 R.V.s*
- ◆ Bed and Breakfast * three or less guest rooms, subject to Section 234 **(Revised 2/10/20)**
- ◆ Purchase of Development Rights
- ◆ Public parks
- ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
- ◆ Commercial agriculture*
- ◆ Accessory uses related to uses permitted by right*
- ◆ Forestry and wildlife management*
- ◆ Greenhouses and nurseries
- ◆ Kennels and animal clinics
- ◆ Roadside stands

* **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels. **(Revised 5/5/12)**
- ◆ Airport
- ◆ Cemeteries
- ◆ Day Care, group, serving 7 to 12 children
- ◆ Foster Care, Adult, serving 7-12 residents subject to Section 622
- ◆ Mini-warehouse, of 8,000 sq. ft. or less, subject to Section 630
- ◆ Bed and Breakfast * four to ten guest rooms, subject to Section 234 **(Revised 2/10/20)**
- ◆ Agriculture service establishments
- ◆ Places of public assembly, subject to the provisions of Section 636
- ◆ Bed and Breakfast
- ◆ Civic clubs
- ◆ Education facilities
- ◆ Essential Service Facility, Major
- ◆ Gravel pits
- ◆ Personal wireless communication facilities
- ◆ Planned Unit Developments, subject to Section 637

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, keeping of animals, detached single family dwellings, farm operations and farm buildings, home occupations, outdoor storage of up to 4 recreational vehicles (R.V.s), commercial agriculture, accessory uses related to uses permitted by right and forestry and wildlife management.
- ◆ Parking and Loading requirements subject to Article VII
- ◆ Signage requirements subject to Section 215
- ◆ Lighting requirements, subject to Section 210
- ◆ Landscaping and Buffering requirements, subject to Section 229.

DISTRICT REGULATIONS

- ◆ **Minimum Lot Area:** 40,000 sq. ft.
- ◆ **Minimum Lot Width:** 150 ft.
- ◆ **Maximum Dwelling Units/Acre:** 1
- ◆ **Maximum Building Height:** 2½ stories, or 35'
- ◆ **Minimum Building Setbacks:** ^(a)
 - Front 30 ft.
 - Side 10 ft. (each side)
 - Rear 35 ft.
- ◆ **Maximum Lot Coverage:** N/A
- ◆ **Minimum Living Space Dimensions:** 24' x 24'
- ◆ **Minimum Floor Area (One family):** 768 sq. ft.

^(a) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on Mitchell and Baker Creeks where the setback shall be 100 feet.

2. **USES PERMITTED BY RIGHT.** A building or parcel within the AG district shall be used for the following purposes only:
- a. Accessory buildings with floor area less than or equal to the footprint of the principal building, and up to 150% of such footprint on parcels of at least 40,000 square feet. Such uses shall not require site plan review by the Planning Commission. **(Revised 5/5/12)**
 - b. Accessory uses related to uses permitted by right. Such uses shall not require site plan review unless required for the principal use.
 - c. Animals; raising, grazing, feeding or training, boarding and/or stabling. This includes the keeping of horses. No enclosure or space for the disposing of pelt producing animals, pelts, carcasses or waste products shall be located less than 1,000 feet from any adjoining property and/or highway right-of-way. Such uses shall not require site plan review.
 - d. Commercial agriculture. Such uses shall not require site plan review.
 - e. Dwelling, detached single family. Such uses shall not require site plan review.

- f. Essential Service Facility, Routine
 - g. Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections 226, 222 and the Subdivision Control Ordinance.
 - h. Farm operations and farm buildings. Such uses shall not require site plan review.
 - i. Forestry and wildlife management, including storage buildings for forestry and wildlife use. Such uses shall not require site plan review.
 - j. Golf courses.
 - k. Greenhouses and nurseries.
 - l. Home occupations subject to Section 217. Such uses shall not require site plan review.
 - m. Kennels and animal clinics, providing that all animal enclosures shall be erected at least 100 feet from single family dwellings, parks, schools, or non-agricultural zoning districts. The 100 foot setback shall not apply to a single family dwelling related to the use.
 - n. Outdoor storage of up to 4 Recreation Vehicles (R.V.s). Such uses shall not require site plan review.
 - o. Publicly and privately owned and operated parks, preserves, open space, and conservation areas.
 - p. Purchase of Development Rights, subject to review and approval of the Planning Commission for consistency with the East Bay Township Master Plan.
 - q. Roadside stands.
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION: The following special land uses may be permitted after review and approval of the Township Planning Commission, subject to the conditions, procedures, and standards herein specified, the provisions of Article VI and after the Site Plan Review procedure as specified in Section 820 of this Ordinance.
- a. Accessory buildings with floor area greater than the footprint of the principal building on parcels of up to 40,000 square feet, and with floor area greater than 150% of such footprint on all other parcels, subject to Section 603. (Rev. 5/5/12)
 - b. Agricultural service establishments, subject to the provisions of Section 604.
 - c. Airports, subject to the provisions of Section 605.
 - d. Bed and breakfast establishments, subject to the provisions of Section 606.
 - e. Cemeteries, subject to the provisions of Section 610.
 - f. Civic club, subject to the provisions of Section 613.
 - g. Daycare, group, serving seven to 12 children, subject to the provisions of Section 616.
 - h. Education facilities, subject to the provisions of Section 619.
 - i. Essential Service Facility, Major, subject to the provisions of Section 628.

- j. Foster Care, Adult, serving 7 to 12 residents, subject to the provisions of Section 622.
- k. Gravel pits, subject to the provisions of Section 620.
- l. Mini-warehouse, self storage less than 8,000 square feet, subject to the provisions of Section 630.
- m. Personal wireless communication facilities, subject to the provisions of Section 634.
- n. Places of public assembly, subject to the provisions of Section 636.
- o. Planned unit development, subject to the provisions of Section 637.

SECTION 422 RESERVED FOR FUTURE USE

PNR

**ARTICLE IV
DISTRICT STANDARDS
SECTION 423 POCKET NEIGHBORHOOD DISTRICT, PNR**

SECTION 423 Pocket Neighborhood Residential District, PNR (Revised 6/12/17)

1. INTENT. The PNR, Pocket Neighborhood Residential (PNR) district is intended to provide appropriate locations for well-designed, affordable, smaller footprint owner-occupied and renter-occupied one-family and two-family detached dwellings, such as bungalow courts and cottage clusters. Pocket neighborhoods should be aesthetically pleasing and of sound construction which is well-maintained throughout the project's intended lifespan. The PNR district is meant to be a transitional zoning district between more intensive and less intensive zoning classifications. Pocket residential neighborhoods must be served by public utilities and should be situated in close proximity to community services such as schools, parks, trails, local businesses, and similar uses.

PERMITTED USES

- ◆ Bungalow courts and cottage clusters, subject to Section 647
 - ◆ Minor accessory buildings, carports, and garages*
 - ◆ Essential Service Facility, Routine
 - ◆ Home occupations subject to Section 217, but only permitted within the dwelling*
 - ◆ Public parks, particularly pocket parks
- * **Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.**

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section 820 for all uses, other than minor accessory buildings, garages, carports, detached single-family dwellings, two-family dwellings, and home occupations.
- ◆ Parking and Loading requirements, subject to Article VII.
- ◆ Bungalow courts and cottage clusters, subject to Section 647.
- ◆ Signage requirements, subject to Section 215.
- ◆ Lighting requirements, subject to Section 210.
- ◆ Landscaping and Buffering requirements, subject to Section 229.

DISTRICT REGULATIONS ^(a)

- ◆ **Minimum Lot Area:** 3,000 sq. ft.
 - ◆ **Maximum Number of Units:** 40
 - ◆ **Maximum Dwelling Units/Acre:** 12
 - ◆ **Maximum Building Height:** 26 feet
 - ◆ **Minimum Building Setbacks:** ^(b)
 - Front 25 ft.
 - Side 7 ft. (each side)
 - Rear 20 ft. ^(b)
 - ◆ **Maximum Lot Coverage:** N/A
 - ◆ **Minimum Floor Area:** 400 sq. ft.
 - ◆ **Maximum Floor Area:** 1,200 sq. ft.
- ^(a) For regulations pertaining to bungalow courts and cottage clusters, see Section 647.
- ^(b) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam and on Mitchell and Baker Creeks where the minimum setback shall be 100 feet.
- ^(c) The rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

2. **USES PERMITTED BY RIGHT.** A building or parcel within the PNR district shall be used for the following purposes only:
 - a. Bungalow courts and cottage clusters, subject to Section 647 and site plan review. Individual units within the bungalow court or cottage cluster shall not be subject to site plan review.
 - b. Essential Service Facility, Routine.
 - c. Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 222 and Cluster Subdivision, subject to Section 226.
 - d. Publicly owned and operated parks, with an emphasis on pocket parks.
 - e. Minor accessory buildings. Such uses shall not require site plan review.
 - f. Home occupations; conforming to the provisions of Section 217, except they shall only be permitted in the dwelling and not an accessory building. Such uses shall not require site plan review.
3. **DIMENSIONAL STANDARDS.** Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article V.

SECTION 424-499 RESERVED FOR FUTURE USE

ARTICLE V DIMENSIONAL REQUIREMENTS

SECTION 500 YARD REQUIREMENTS TABLE

The required front, side and rear yards, and maximum structure height for each district shall be as shown on the accompanying Table No. I. In those cases where a site plan has been approved for a clustered subdivision or a grouped housing development by the Township, the site plan front, side and rear yard setbacks will replace the requirements of Table No. 1.

SECTION 501 BUILDING PROJECTIONS (Revised 6/24/06 and 8/21/15)

1. Every part of the required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except as follows:
 - a. Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear setback areas, and two (2) feet into the required side yard setback areas.
 - b. An unenclosed porch, deck, or awning may project into the required yard areas in accord with the following: (Revised 8/21/15)
 - 1) Into the required rear setback area for a distance not to exceed fifteen (15) feet in all districts, except for that portion of the LA District which shall be subject to sub-paragraph (4) hereof;
 - 2) Into the required front setback area for a distance not to exceed six (6) feet;
 - 3) Into the required side setback area not to exceed three (3) feet,
 - 4) In that portion of the LA District subject to the Forest Lakes Overlay District pursuant to Section 231, an unenclosed elevated deck or patio built at grade may project into the rear, or waterfront setback area for a distance not to exceed ten (10) feet, provided the requirements of this subparagraph are satisfied.
 - a) Any such deck shall have a surface comprised of wood or composite boards separated by at least one-eighth (1/8) inch for drainage.
 - b) Any such deck shall be mounted on posts or columns with an outside dimension no greater than eight inches square (8" x 8").
 - c) Low-growing, non-invasive native vegetation shall be established over all areas beneath such deck and surrounding such deck or patio where sufficient light and air are available to support it. Under the deck and in other areas where low-growing, non-invasive native vegetation cannot be established, erosion mats or mulch shall be installed to stabilize the soil.
 - d) Porches, awnings or other impervious features shall not be extended into the required waterfront setback area.
 - 5) In no case shall a balcony, enclosed porch, deck, or awning be placed closer than five (5) feet to any lot line. No such unenclosed porch or deck shall subsequently be enclosed except in conformance with all terms of this Ordinance. Except as provided in subparagraph (4) hereof, no structure,

other than a permanent or temporary dock shall be permitted to be located nearer than fifty (50) feet from a lake, stream, drainage way or other body of water; provided, however, that on the Boardman River, such minimum setback distance shall be one hundred fifty (150) feet on those portions of the river upstream from the Brown Bridge Dam and one hundred (100) feet on those portions downstream from the Brown Bridge Dam, and on Mitchell and Baker Creek where the minimum setback shall be one hundred (100) feet.

- c. Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard to a maximum of five (5) feet.
2. A canopy or marquee may project into a required front or rear yard not more than ten (10) feet.

SECTION 502 ACCESSORY BUILDINGS (Revised 11/30/15)

1. Except as provided in subparagraph 2 of this section, no accessory building shall be located between the lot line and the side yard setback line. On properties that do not include water frontage, accessory buildings shall not be located closer than twenty (20) feet from the front or rear property line. In the Lakes Area (LA) and Boardman River (BR) Districts, no accessory buildings shall be permitted to be located within one hundred-fifty (150) feet of the Boardman River upstream from the Brown Bridge Dam or one hundred (100) feet downstream from the Brown Bridge Dam, or fifty (50) feet of any other lake or stream.
2. Minor Accessory Buildings. In all zoning districts, up to 2 Minor Accessory Buildings shall be permitted per lot. Minor Accessory Buildings may be located between the lot line and the side or rear yard setback line and Minor Accessory buildings shall not require a land use permit. In the Lakes Area (LA) and Boardman River (BR) Districts on waterfront properties, not more than one (1) of the Minor Accessory Buildings allowed per parcel may be located within the rear (waterfront) yard setback area, but not less than sixteen (16) feet from the ordinary high water mark nor less than ten (10) feet from any side lot line. Such Minor Accessory Building shall be located on a portion of the property without existing woody vegetation and on a permeable surface such as two (2) inch stone or an erosion mat extending at least twelve (12) inches beyond the dripline of the building roof to control runoff. Per Section 231, 6, f, such Minor Accessory Building shall have a non-reflective exterior finish. **(Revised 11/30/15)**
3. Minor accessory buildings may occupy not more than 30 percent of a required rear yard, and unenclosed parking spaces may occupy not more than 90 percent of a required rear yard.
4. Except as provided in this sub-paragraph, no accessory building or private garage shall be moved onto or constructed on a parcel before the principal building is moved onto or constructed on said parcel. Provided, however, a storage building used for greenhouses, storage of farm related equipment, nursery or wood lot may be permitted without a single family dwelling within the RR, AG, LA, BR and NA zoning districts.
5. No detached private garages shall be located closer than three (3) feet to the main/principal building.

6. No mobile home, manufactured housing unit, travel trailer, semi-trailer or similar temporary or transportable facility shall be used as an accessory building in any district in the Township.

SECTION 503 FRONT YARDS

1. Interior lots having a frontage on two streets shall provide the required front yards on both streets.
2. Corner lots in all zoning districts shall be deemed to have front lines abutting the street rights-of-way and the other lot lines shall be deemed to be side lot lines and the front and side yard setback standards for the zoning district shall apply; provided that the requirements of this subparagraph shall not apply to lot lines that abut alleys. **(Revised 4/24/11)**
3. No fence, sign, structure or planting which obstructs visibility shall be maintained within 25 feet of any street intersection.

SECTION 504 EXCEPTIONS (Revised 12/28/15 and 12/24/16)

1. Filling station pumps which are more than 50 feet from the boundary of a residential district may be located within a required yard provided they are 12 feet from any road right-of-way.
2. Permitted Height Exceptions:
 - a. Structural appurtenances: When a given use is permitted in any district, the following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:
 - 1) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers, and flag poles, PROVIDED that such structural elements do not exceed twenty percent of the gross roof area.
 - 2) Appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks; elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers.
 - 3) Commercial freestanding towers when not attached to a building or structure, shall be constructed under applicable State and Federal regulations and approved by the Planning Commission.

The foregoing permitted exceptions shall not be uses for human occupancy.

- b. Residential Districts: There shall be no exceptions for structures located in residential districts except for school and church structures which may be permitted to exceed height limitations by action of the Planning Commission. Such variances shall be permitted PROVIDED each front, side and rear yard minimum is increased one foot for each additional one foot of height above the district maximum.
 3. Building Footprint Exceptions. The Planning Commission may consider exceptions to the standards governing the maximum building footprint permitted by right in the East Bay Corners, Local Business, Regional Business, Professional Office, Airport Services, and Industrial Districts, subject to the special land use standards of Article 6 and the specific regulations pertaining thereto set forth in Section 624. **(Revised 12/28/15 and 12/24/16)**

SECTION 505

1. Required minimum front, side and rear yards, (dimensions in feet and measured from the appropriate property line or street right-of-way, provided; however, that accessory buildings may be constructed not closer than 20 feet from the front or rear property line or street right-of-way), and maximum structure height. Provided that within the Mitchell Creek and Baker Creek Overlay District, setback requirements may be modified to protect sensitive natural features.

TABLE NUMBER 1 - YARD SETBACKS and STRUCTURE HEIGHTS
 (Rev. 1/27/14, 10/25/16, and 6/12/2017)

Zoning District	Front ⁽ⁱ⁾ (Street)	Each Side ⁽ⁱ⁾	Rear ⁽ⁱ⁾	Maximum Height Stories ^(g)	Maximum Height Feet ^(g)
LDR	30	10	35/45 ^{(b) (f)}	2-1/2	35
MDR	25	8	25 ^(f)	2-1/2	35
HDR	20	6	25 ^(f)	2-1/2	35
MHC	30	10	35 ^(f)	3	40
RR	30	10	35 ^(f)	2-1/2	35
LB	30	10	20	2-1/2	35
RB	30	10 ^(a) /15 ^(c)	20/45 ^(b)		35/50 ^(e)
EBC	30 ^(h)	10	20	2½	35
PO	20	10	20		35
IND	40	20	40		50
AG	30	10	35 ^(f)	2-1/2	35
LA	30	10 ^(d)	35 ^(f)	2-1/2	35
PNR	25	7	20 ^(b)		26
BR	30	10 ^(d)	50 ^(f)	2-1/2	35
NA	30	10 ^(d)	35 ^(f)	2-1/2	35
AS	25/20 (k)	0/25 (l)	15/100 (m)	3	40

Table 1 Notes

- (a) Adjoining Commercial Use.
- (b) From the Bluffline on Grand Traverse Bay.
- (c) Adjacent to a detached single family dwelling.
- (d) 20% width of Lot. (For lots less than 50 feet in width)
- (e) For parcels south of US-31 North
- (f) Except as provided in Section 501, b, where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam. **(Revised 8/21/15)**

- (f) Where a lot adjoins or is intersected by a lake, stream, drainage way or other body of water, any structure located thereon shall be set back a minimum of 50 feet from said water, except on the Boardman River where the minimum setback shall be 150 feet on those portions of the river upstream from the Brown Bridge Dam and 100 feet on those portions of the river downstream from the Brown Bridge Dam.
 - (g) Structure heights shall be the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
 - (h) Except buildings shall be set back 100 feet from Hammond and 20 feet from Three Mile and Carlisle Roads.
 - (i) Within the Mitchell and Baker Creek Protection overlay district, there shall be a 100 foot stream protection buffer provided, as set forth in Section 219 hereof.
 - (j) The minimum front yard setback shall apply to principal buildings, but not accessory buildings.
 - (k) Along S. Airport Road, the maximum is 25 feet and along Townline Road, the maximum is 20 feet.
 - (l) Adjacent to single-family dwellings is 25 feet; 0 feet otherwise.
 - (m) Minimum 100 feet from Mitchell Creek; 15 feet otherwise.
2. In Local Business (LB) district truck access on the premises to all parts of the premises must be provided which is suitable for small tired vehicles, sanitation equipment, fire trucks, ambulances, and other necessary types; access must be at least ten feet in width and have height clearance of at least 12 feet. Adjoining lot owners may divide access widths by a duly recorded agreement providing for same. Where truck access is provided to all parts of the premises by other than approved on-premise means, no side yard shall be required.
3. In any district, any building wall hereafter placed five feet or less from either side or rear property line shall be of two hour fire resistant construction, as established by the National Board of Fire Underwriters standards accepted at the time of placement. Any building or wall placed from five to ten feet from either side or rear property lines shall be of one hour fire resistant construction established as above.

**TABLE NUMBER 2 - (a) MINIMUM GROSS LIVING AREA PER DWELLING UNIT IN SQ. FT. AND
(b) MINIMUM EXTERIOR DIMENSIONS IN FEET
(Rev. 3/27/13, 1/27/14, 10/25/16 and 6/12/2017)**

Zoning District	Minimum Gross Living Area			Minimum Exterior Dimension for 1 & 2 Family Units
	Single Family	Two Family	Multiple Family	
LDR	768	N/A	N/A	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
MDR	768	576	576	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
HDR	768	576	576	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
MHC	768	576	576	12' Width
RR	768	576	N/A	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
LB	768	N/A	N/A	not applicable
EBC	768	576	576	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
RB	N/A	N/A	N/A	not applicable
AG	768	N/A	N/A	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet. ^(c)
LA	768	N/A	N/A	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
BR	768	N/A	N/A	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
NA	768	N/A	N/A	768 to 1,000 sq. ft. living area: 24 feet, More than 1,000 sq. ft. living area: 22 feet.
AS	N/A	N/A	576	N/A
PNR	400	N/A	N/A	Maximum of 1,200 sq. ft.

- (a) Minimum gross living area is determined by measuring the area enclosed by the exterior perimeter wall including finished living areas on floors other than the main floor, but not including garages, decks, basement, etc.
- (b) Minimum exterior dimensions are measured along one wall face including the sum of all wall segments with essentially the same general orientation (as illustrated in Figure 5.1) and each wall face shall meet the minimum requirements of Table Number 2.
- (c) In the AG district, dwellings legally in existence as of February 1, 2013 and which fail to meet the minimum exterior dimension requirements of this Section shall be regarded as in compliance and shall not be considered to be nonconforming under the requirements of Article II. **(Revised 3/27/13)**

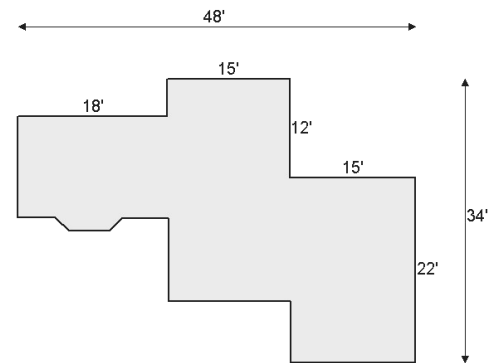


Figure 5.1

4. TABLE OF REQUIREMENTS. The minimum lot area and minimum lot width per family for each district shall be as shown on the accompanying Table No. 3.
- Two or more parcels, lot of legal record or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Ordinance, provided that such lots are located in a single district.
 - No requirements contained in this Article shall prevent the use of a lot or parcel of land of lesser size provided the same was of legal record prior to March 1, 2003.
 - Where a multiple housing development has been approved by a special use permit, the provisions of that permit regarding lot width and lot area shall replace the requirements of Table No. 3.
 - Where a clustered subdivision has been approved by the Township, the lot area and lot width shall replace requirements of Table No. 3.
 - For Flag Lots, as defined herein, established after March 1, 2003, the minimum lot width shall be measured at the midpoint between the front and rear lot lines and shall not be less than the required minimum lot width for the district in which the parcel is located. For such Flag Lots, the minimum width of the access right-of-way shall not be less than thirty-three (33) feet.

**TABLE NUMBER 3* - MAXIMUM DWELLING UNIT DENSITY
& REQUIRED MINIMUM LOT WIDTH AND LOT AREA
(Rev. 1/27/14 and 10/25/16 and 6/12/17)**

Note: CS = Central Sewer system, CW = Central Water system. Parcels with either central water or central sewer, but not both, shall be regarded as having neither, for the purposes of dimensional standards of this zoning ordinance.

Note: For all districts, minimum water frontage required is one hundred feet (100')

Zoning Districts	Minimum Parcel Dimensions ^(a)				Density ^(b) (dwelling units per acre)	
	Lot Width (feet)		Lot Area (sq. ft. except as noted)		Without CS and CW	With CS and CW
	Without CS and CW	With CS and CW	Without CS and CW	With CS and CW		
LDR	150	100	40,000	12,000	1	3
MDR	150	80	40,000	8,000 ^(e)	1	5
HDR	150	60	40,000	5,500 ^(f)	1	8
MHC	150	100	40,000	12,000	1	12
RR	150	-	40,000	-	1	-
LB	150	125	40,000	25,000	1	1
EBC	-	100	-	20,000	-	8
RB	-	100	-	20,000	-	-
PO	-	-	-	20,000	-	-
IND	-	150	-	40,000 ^(d)	-	-
LA	150	-	40,000	-	1	-
AG	150	-	40,000	-	1	-
BR	150/200 ^(c)	-0	40,000 or 2.5 Acres ^(c)	-	1 or 0.4 ^(c)	-
NA	250	-	5 Acres	-	0.2	-
AS	-	75	-	-	-	- (g)
PNR	-	-	-	3,000	-	-

***Table Notes**

- (a) For individual lots in subdivision (based on net lot area) or lots not part of a Grouped Housing Development, Clustered Subdivision or Multiple Family Housing Development.
- (b) For Grouped Housing Development, Clustered Subdivisions and Multiple Family Housing Developments (based on gross parcel area).
- (c) Within 400 feet of water's edge of the Boardman River, minimum lot area is 2½ acres with 200 feet of width.
- (d) The minimum parcel size for an industrial park is 10 acres.
- (e) For the first unit, plus 7,500 square feet for each additional unit on the same parcel, up to a maximum density of 5 dwelling units per acre density.
- (f) For the first unit, plus 4,800 square feet for each additional unit on the same parcel, up to a maximum density of 8 dwelling units per acre density.
- (g) Form-based standards – as a result, density is based on meeting those standards versus a specific minimum.

ARTICLE VI – SPECIFIC STANDARDS AND REQUIREMENTS FOR SPECIAL LAND USES

SECTION 600 SPECIAL LAND USES

A Special Land Use is a use that permitted within a specified zone district after meeting specific requirements listed in this Article VI. It is the purpose of this Article to name, describe, and list any additional requirements for each individual conditional land use. Due to the nature of the use, Special Land Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

SECTION 601 SPECIAL LAND USE PROCEDURES

A Special Land Use application shall be submitted and processed according to the following procedures:

1. **SUBMISSION OF APPLICATION.** An application shall be submitted to the Zoning Administrator on a Special Land Use Permit Application form. Upon receipt of a complete application, the Zoning Administrator shall place the request on the agenda for the next regularly scheduled Planning Commission meeting. A complete application under this Section shall be one that specifically addresses the items set forth in this Section.
2. **DATA REQUIRED.** A Special Land Use Application shall include the following information.
 - a. A complete Special Land Use Application including the following information:
 - 1) Name and address of applicant.
 - 2) Legal description, property parcel number and street address of the subject parcel of land.
 - 3) Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
 - 4) Present zoning classification on parcel.
 - 5) Present and proposed land use.
 - 6) Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns, and local traffic volumes.
 - 7) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by the Township Zoning Administrator or the Planning Commission.
 - b. A complete Site Plan containing all the applicable data required by Section 820, site Plan Review.

- c. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Land Use Applications as provided in Section 602.
 - d. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Land Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment. If the proposed Special Land Use plan has been reviewed by a Peer Review Group or Agency operating within Grand Traverse County or an area within the Northwest Michigan Council of Governments, the results of such peer review may be submitted with the application for a Special Land Use. **(Revised 4/21/07)**
 - e. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the application.
3. **SPECIAL LAND USE REVIEW PROCEDURES.** An application for Special Land Use Approval shall be processed as follows:
- a. Planning Commission Review. A complete application for special land use approval shall be submitted not less than thirty (30) days prior to the date on which the Planning Commission shall first consider it. The Zoning Administrator shall determine whether the application is complete and, if it is determined to be complete, shall schedule a public hearing. An applicant may request sketch plan review with the Planning Commission in accordance with Section 820, 4, prior to development and submittal of a complete special use application. **(Revised 4/21/07)**
 - b. Public Hearing Procedures. Once the Zoning Administrator has determined that a complete Special Land Use Application has been received, the Zoning Administrator shall schedule a public hearing according to Section 831, Hearing Notice Procedures, of this Ordinance. **(Revised 4/6/07 and 4/21/07)**
 - c. Planning Commission Action. After the Public Hearing and upon review of the merits of the Special Land Use Application, the Planning Commission may deny, approve, or approve with conditions the Special Land Use Application. The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed Special Land Use which specifies the basis for the decision and any conditions imposed.
 - d. Basis for Action. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Land Use do not establish by preponderance of the evidence that the standards and requirements set forth in the Article can and will be met by the proposed Special Land Use, the Planning Commission shall deny the Special Land Use Application.

- e. Attachment of Conditions. The Planning Commission may recommend additional conditions deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.
 - f. Required Approval of Special Land Use. A request for approval of a Special Land Use Application which is in compliance with all the standards of this Ordinance, other applicable ordinances, and state and federal statutes shall be approved.
4. **ISSUANCE OF A LAND USE PERMIT.** A Land Use Permit shall be issued by the Zoning Administrator in accordance with Section 803 upon approval of the Special Land Use by the Planning Commission. The Land Use Permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward a copy of the Land Use Permit to the applicant and the Township Clerk. A Site Plan submitted as an attachment to a Special Land Use application may be considered and reviewed in conjunction with said Special Land Use application and shall be processed according to the procedures of Section 820.
5. **APPEALS.** No decision or condition related to a Special Land Use Application shall be taken to the Zoning Board of Appeals. An appeal of a Special Land Use decision or condition may be taken to the Circuit Court.
6. **EXPIRATION OF SPECIAL LAND USE PERMITS; EXTENSION (Revised 8/10/09)**
- a. An approved Special Land Use Permit shall expire two (2) years following approval by the Planning Commission. Upon written request stating the reasons therefore, the Planning Commission shall extend a Special Land User Permit for an additional one (1) year period if the evidence shows the following:
 - 1) The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - 2) The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
 - 3) Development or redevelopment in the proximity of the approved Special Land Use Permit has not resulted in changed conditions impacting the site.
 - 4) There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
 - b. An application for an extension of a Special Land Use Permit must be filed at least 60 (sixty) days prior to the expiration of the original Special Land Use Permit or the expiration of any extension previously approved by the township, whichever is applicable. The application form for requesting an extension shall be provided by the township and can be obtained from the township zoning administrator or deputy zoning administrator. An application fee for an extension is required and shall be non-refundable. The Township Board shall by resolution, establish the amount of the application fee for the renewal. The

renewal is only applicable to the property subject to the originally approved Special Land Use Permit.

- c. Any such recommendation for an extension is subject to reasonable conditions requested by the Planning Commission, including, if necessary, the implementation of a new or additional performance guarantee requirement pursuant to section 830 of the East Bay Township Zoning Ordinance.
- d. If a Special Land Use Permit expires pursuant to subsection a above, no work pursuant to a Special Land Use Permit may be undertaken until a new Special Land Use Permit is obtained from the Planning Commission following the procedures contained in the zoning ordinance for a new Special Land Use Permit.

SECTION 602 SPECIAL LAND USE REVIEW STANDARDS.

1. GENERAL REVIEW STANDARDS. The Planning Commission, before acting on a Special Land Use Application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The Planning Commission shall review each application and shall approve such special land use only if it finds that such special land use meets each of the following standards, together with any and all special land use standards reflected for the zoning district in Article IV hereof, and any and all applicable specific review standards found in this Article. The Planning Commission shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:
 - a. Be consistent with the adopted Township Comprehensive Plan.
 - b. Be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - c. Not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 - d. Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - e. Not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
 - f. Not involve uses, activities, processes, materials and equipment or conditions of

operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

- g. Ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
 - h. Meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.
2. **SPECIFIC REVIEW STANDARDS.** In addition to the general review standards set forth in Section 602, 1, of this Zoning Ordinance, the Planning Commission, shall apply the specific review standards set forth in this Article VI for each named Special Land Use.

SECTION 603 ACCESSORY BUILDINGS WITH FLOOR AREA GREATER THAN THE PRINCIPAL STRUCTURE (Revised 4/21/07)

1. **DEFINITION:** An accessory building as defined in Article XIV of this Zoning Ordinance with a ground floor area or building footprint greater than the ground floor area or building footprint of the principal building on the parcel.
2. **REGULATIONS AND CONDITIONS.**
 - a. On parcels of less than one (1) acre, the ground floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principal building by more than fifty percent (50%).
 - b. On parcels of more than one (1) acre, but less than five (5) acres, the ground floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principal building by more than one hundred percent (100%).
 - c. On parcels of five (5) acres, but less than 10 acres, the ground floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principal building by more than two hundred percent (200%).
 - d. On parcels of ten (10) acres, or more, the floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principle building by more than three hundred percent (300%).
 - e. The floor area limitations of this Section shall be applied cumulatively for all accessory buildings on a parcel.
 - f. Accessory buildings as defined in this Section shall comply with all yard, setback and building height standards of this Zoning Ordinance.
 - g. As a condition for Special Land Use approval for an accessory building permitted under this section, the applicant shall provide to the Township a copy of an

instrument as recorded with the Grand Traverse County Register of Deeds indicating that any future division of the subject parcel shall meet the above limits for lot area and accessory building ground floor area provided in this Section 603.

SECTION 604 AGRICULTURAL SERVICE ESTABLISHMENT

1. **DEFINITION:** A business engaging in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; and facilities used in the research and testing of farm products and techniques.
2. **REGULATIONS AND CONDITIONS.**
 - a. Animal holding area shall be setback one-hundred (100) feet from all property lines and the road right-of-way.
 - b. No storage of manure or dust producing material within one-hundred (100) feet of any property line or road right-of-way.
 - c. All signs shall be in accordance with Section 215 of this Zoning Ordinance.
 - d. All parking shall be in accordance with Article VII of this Zoning Ordinance.
 - e. Agricultural business shall be established and conducted in compliance with all other applicable laws and ordinances.

SECTION 605 AIRPORT

1. **DEFINITIONS:**
 - a. A Public Airport is a facility designed for the take-off, landing, and storage of small aircraft which is which is required to be licensed by the Michigan Aeronautics Commission, along with related accessory uses, such as, charter service, flying lessons, sale of fuel, mechanics, terminal buildings, and hanger facilities, which are available to the public.
 - b. A Private Airport is an airport which is not available to the public, and not shown on aeronautical charts, not licensed by the Michigan Aeronautic Commission, and which does not offer charter flight service, the sale of gasoline or oil, student instruction, flying lessons, aviation maintenance services or other commercial services to the public.
2. **REGULATIONS AND CONDITIONS:**
 - a. Private airports shall not be located within five (5) miles of a public use airport

which is licensed by the Michigan Aeronautic Commission without the prior written approval of the Bureau of Aeronautics pursuant to R259.253 of the Michigan Administrative Code.

- b. The elements of safety, design, and construction of a private airport facility shall be certified by an aviation engineer licensed in the State of Michigan.
- c. Public airports shall meet the standards for Class A, B, or C, commercial airports, contained in the Rules and Regulations of the Michigan Aeronautics Commission.
- d. Land Use Permits for public airports shall not be granted until the facility has been granted a Landing Area License pursuant to Part 5 of the Rules and Regulations of the Michigan Aeronautics Commission.
- e. Public airports shall not be permitted within an area where an existing dwelling, or other existing buildings classified in "Use Group A, H, I, or R" as defined in the Michigan Construction Code are found. Said area shall extend two-hundred (200) feet on either side of the centerline of the proposed runways and extended for a distance of two-thousand five-hundred (2,500) feet from both ends of the proposed runway.
- f. A public airport shall have direct access to South Airport Road, Parsons Road and/or Three Mile Road.
- g. All signs shall be in accordance with Section 215 of this Zoning Ordinance.
- h. All parking shall be in accordance with Article VII of this Zoning Ordinance.

SECTION 606 BILLBOARDS

Billboards may be established in the Regional Business (RB) zoning district as a special land use eligible for approval consideration, provided they meet the intent and standards of this Section and are also subject to the provisions of Section 820, Site Plan Review. The economic health and well-being of East Bay Township, Grand Traverse County and the Grand Traverse Region depends upon the area's natural scenic beauty and environmental quality. The region's highway corridors are subject to the highest visual exposure of any area within the Township and region. Therefore, it is deemed necessary within these corridors to protect the area's natural landscapes and community character from visual pollution. Such protection is deemed essential to the community health, safety and welfare. To assure such protection the following standards are established.

1. **DEFINITION:** A Billboard is an outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
2. **REGULATIONS AND CONDITIONS.**
 - a. Not more than two (2) billboards may be located per linear mile of highway regardless that such billboards may be located on different sides of the highway.

The linear mile measurement shall not be limited to the boundaries of East Bay Township where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph b below.

- b. No billboard shall be located within one-thousand (1,000) feet of another billboard abutting either side of the same highway.
- c. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall be three hundred (300) feet.
- d. No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on which the billboard is located.
- e. The surface display area (sign face) of any side of a billboard may not exceed three hundred (300) square feet. If a billboard abuts a portion of a highway with a posted speed limit of forty-five (45) m.p.h. or less, the surface display area limits shall be seventy-five (75) square feet instead of three hundred (300) square feet.
- f. The height of a billboard shall not exceed twenty (20) feet above the natural grade of the ground on which the billboard is established.
- g. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment or structure, continued structural soundness, and continued readability of message.
- j. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said

Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

- k. No person, firm or corporation shall erect a billboard within East Bay Township without first obtaining a Land Use Permit from the East Bay Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee. As with other fees, the amount of the billboard permit fee required shall be established by resolution of the East Bay Township Board of Trustees and shall bear a reasonable relationship to the cost and expense of administering this permit. The Township Board shall further have the right to amend this resolution from time to time within the foregoing limits of reasonableness.

SECTION 607 BOAT, MOTOR SALES AND REPAIR

1. DEFINITION. Establishments offering for sale to the public new and used boats, motors, recreational vehicles, campers, "fifth wheels," and related equipment and providing service and repair of such equipment and vehicles.
2. REGULATIONS AND CONDITIONS.
 - a. The applicant shall provide documentation acceptable to the Planning Commission that the proposed use shall meet the following standards:
 - 1) Uses shall produce no detectable objectionable dust, fumes or odors at any property line.
 - 2) All travel surfaces shall be paved or otherwise treated to control dust.
 - 3) No exterior fixture shall cast light off the property and no light source shall be visible from any surrounding residential land uses. Building surface reflectivity shall be no greater than one (1) foot candle.
 - 4) No off-site discharge of storm water except to approved drainage system in accord with the requirements of the Grand Traverse County Drain Commissioner.
 - 5) Noise generated on site from any source shall not exceed 40 decibels measured at any property line.
 - b. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
 - c. For facilities located on a lake and selling boats or personal watercraft, the Planning Commission may establish restrictions on operations intended to preserve the peaceful use of the lake by all residents and to protect water quality in the lake.
 - d. All signs shall be in accordance with Section 215 of this Zoning Ordinance.
 - e. All parking shall be in accordance with Article VII of this Zoning Ordinance.

- f. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 608 BUSINESS, ADULT

- 1. **PURPOSE AND INTENT:** The purpose and intent of this section is to deal with the regulation of Adult Businesses (as well as the defining "Adult Businesses" generally) is to regulate the location and operation of, but not to exclude, Adult Businesses within the Township, by preventing the concentration of such uses in close proximity to one another and to minimize the negative secondary effects associated with them by separating such uses from residential, educational and religious uses, as well as other areas of public and private congregation, all within the limits of the Township's authority.

This regulation is implemented with the understanding and recognition that there are some uses which, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects such as urban blight, reduction in property values, increased crime, upon nearby residential, educational, religious and other similar public and private uses. This has been demonstrated in previous studies undertaken by communities in Michigan as well as other states. East Bay Township maintains an active file of these studies.

The implementation of appropriate regulations is necessary to insure that negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not otherwise be injurious to the health, safety and general welfare of Township residents. The provisions of this Ordinance are not intended to impose a limitation or restriction on the content of any communicative material, including sexually oriented materials, protected by the First Amendment to the United States Constitution. Similarly, it is not the intent of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent of this Ordinance to condone or legitimize the distribution of obscene materials, but to regulate land uses associated with such distribution or dissemination in a manner designed, within the limits of the United States Constitution and judicial opinions interpreting its breadth and scope, to insure that the health, safety and general welfare of the citizens of East Bay Township are appropriately protected from any negative secondary effects associated therewith.

If any section, subsection, subdivision, sentence, clause, phrase or word of the Amendments reflected herein is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. In such event, to the extent feasible, any such section, subsection, subdivision, sentence, clause, phrase or word held to be invalid or unconstitutional shall be disregarded, reduced and/or revised so as to be recognized to the fullest extent permitted by law. Through the enactment hereof, the

Township Board declares that it would have passed and adopted Section 609 and all provisions thereof, irrespective of the fact that one or more provisions may be declared invalid or unconstitutional.

2. **DEFINITIONS.** Adult Business shall be as defined in Article XIV of this Zoning Ordinance.
3. **REVIEW PROVISIONS AND ZONING DISTRICT ALLOWED:** Adult Businesses as defined herein will be allowed in the Regional Business District (RB) as a listed special land use and activities eligible for approval consideration, subject to all the provisions within Sections 609 and 414.4, and after review and approval by the Planning Commission, and also subject to the requirements of the Site Plan Review provisions of Article VIII, Section 820, Site Plan Review.
4. **ADDITIONAL INFORMATION REQUIRED FOR REVIEW.** In addition to the standard requirements of information requested of all uses under Special Land Uses and Site Plan Review, Adult Businesses will be required to provide additional information as follows;
 - a. A statement of supporting evidence demonstrating compliance with the requirements of this section on a paragraph by paragraph basis.
 - b. The site plan shall be drawn to scale no larger than 1"=50', of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, the location and extent of all above ground development, both existing and proposed, site lighting, proposed signage, and exterior elevations of the proposed Adult Business depicting it, to the extent feasible, in what will become its "as-built" condition, all in legible form.
 - c. Preliminary plans and specifications of the proposed development.
 - d. A description of the proposed use, including references to definitions within this section.
 - e. An area map, in a scale (no larger than 1" = 50'), depicting and describing all land uses situated within 750 feet of the boundaries of the property upon which the proposed Adult Business is to be located.
5. **BASIS FOR DETERMINATIONS - ADULT BUSINESSES- GENERAL REQUIREMENTS:** in reviewing an application for an Adult Business, the Planning Commission shall determine whether the following general requirements have been met;
 - a. That the applicant may legally apply for site plan review.
 - b. That all required information has been provided.
 - c. That the proposed use conforms to all specific density and setback regulations, etc. of the zoning district in which it is located.
 - d. That the plan for the proposed use meets all applicable written and duly promulgated requirements of East Bay Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services,

- e. That the plan for the proposed use meets all applicable written and duly promulgated standards of other governmental agencies, and that the approval of these agencies has been obtained or is, reasonably assured.
 - f. That the submitted Landscape Plan complies with the requirements of Section 229 of this Ordinance.
 - g. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
 - h. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be visible from neighboring properties or the adjacent roadways.
6. **BASIS FOR DETERMINATIONS-ADULT BUSINESSES-SPECIFIC REQUIREMENTS:** in reviewing an application for an Adult Business, the Planning Commission shall determine whether the following specific requirements have been met;
- a. The proposed Adult Business will not be located within 550 feet of any residentially zoned property, park, school, child care establishment, place of worship (including, for example, churches, synagogues, temples, etc.) or any other Adult Business. For purposes of this paragraph, the distance between a proposed Adult Business and any of the above listed uses, shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line upon which the proposed Adult Business is to be located to the nearest property line of the above listed uses, regardless of the political jurisdiction.
 - b. The proposed Adult Business will not have a detrimental impact upon the property values of properties located within 750 feet of such proposed Adult Business.
 - c. Proposed signage shall not include animated or flashing illumination of any type and otherwise conforms with the requirements of Section 215, Signs of this Ordinance. Proposed signage may contain only the name of the Adult Business and shall not include photographs, silhouettes, drawings, or pictorial representations of any type.
 - d. Entrances to the proposed Adult Business will be posted on both the exterior and interior walls, clearly visible to the public, indicating in lettering no less than two inches in height that (a) "No one under the age of eighteen is permitted to enter the premises" and (b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
 - e. No product or service for sale or gift, or any picture or other representation thereof, shall be displayed so as to be visible from the street or exterior of the building.

- f. Hours of operation shall be limited to 8:00 a.m. to 12:00 a.m. (midnight).
 - g. Persons operating an Adult Business shall not permit any person under the age of 18 years to be on the premises either as an employee or as a customer.
 - h. All off-street parking areas shall be illuminated during all hours of operation in accordance with this Ordinance and shall otherwise be open to view from the adjacent roadway.
 - i. The proposed Adult Business owner/operator shall have provided an exterior maintenance program to the Township Zoning Administrator, together with its Special Land Use Application, which program shall provide for routine clearing of trash and rubbish from all parking areas and other portions of the premises not less than once-per-week. Continued adherence to such exterior maintenance program shall be a condition to the issuance of any special use permit pursuant to this Section.
 - j. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - k. The premises shall meet all barrier free requirements and building code requirements imposed by the Grand Traverse County Construction Code Department.
 - l. The number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed one person for each fifteen (15) square feet of public net floor space, exclusive of restrooms, dance floor, administrative areas, hallways, etc.
 - m. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effects reasonably documented to emanate from Adult Businesses for the protection of the general welfare and individual property rights of affected property owners, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall serve as grounds for revocation of the permit, after written notice and an opportunity to be heard.
7. **SPECIAL PLANNING COMMISSION REVIEW AND HEARING.** The Planning Commission shall make and adopt specific findings with respect to whether the proposed Adult Business is in compliance with the standards designated as "Basis for Determinations" following a public hearing noticed as required by Section 831, Hearing Notice Procedures, of this Ordinance, within sixty (60) days from its first

regularly scheduled meeting which takes place subsequent to the date upon which a completed application for special land use permit is submitted to the Township Zoning Administrator in accordance with this Section. In the event the Planning Commission has not made and adopted its findings of fact with respect to a proposed Adult Business, and either approved or denied the issuance of a special land use approval within the sixty (60) day period provided herein, then such special land use shall be deemed to have been approved. Only upon approval, whether by the Township Planning Commission or upon automatic approval after the lapse of sixty (60) days as provided herein, may a special land use approval be made and a land use permit be issued by the Zoning Administrator. **(Revised 4/6/07)**

8. **PROMPT JUDICIAL REVIEW OF ADVERSE DETERMINATION:** In the event an application for Special Land Use within this section is denied, the applicant shall be entitled to prompt review by the Township Zoning Board of Appeals, which review shall, upon the Applicant's request, be conducted at a special Zoning Board of Appeals meeting convened for such purposes within seven (7) business days of such denial. The Zoning Board of Appeals shall review the record of proceedings conducted before the Planning Commission to determine whether the Planning Commission's decision was based upon competent material and substantial evidence in the record and otherwise review the Planning Commission's determination to ensure that it complies with all requirements of both the Michigan and United States Constitutions. In the event that the Zoning Board of Appeals affirms denial of a special land use application for the operation of an Adult Business of this Section, then, upon written notification from the Applicant indicating that the Applicant seeks to contest such denial, the Township shall, within three (3) business days of its receipt of such written notice, do the following:
 - a. File a petition in the Circuit Court for the County of Grand Traverse seeking a judicial determination with respect to the validity of such denial and, in connection therewith, apply for a preliminary and permanent injunction restraining the Applicant from operating the Adult Business in violation of the Township Zoning Ordinance;
 - b. Have the application for issuance of a preliminary injunction set for a show-cause hearing within five (5) business days after the filing of such petition. In the event the Applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request. In the event the Applicant does not waive notice and/or does not request an early hearing on the Township's application for permanent injunction, it shall nevertheless be the duty of the Township to obtain the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Zoning Board of Appeals' denial of a special land use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special land use permit application automatically approved if, within five (5) business days of the filing of Township's petition, a show-cause hearing has not been held.

SECTION 609 CEMETERIES

1. DEFINITION: Privately owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.
2. REGULATIONS AND CONDITIONS.
 - a. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable state laws.
 - c. All parking areas shall comply with the provisions of Article VII of this Zoning Ordinance.
 - c. All signs shall comply with Section 215 of this Ordinance.

SECTION 610 CAR WASH

1. DEFINITION: A building and equipment used for the commercial washing, waxing, detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated and hand wash facilities, as well as any combination thereof.
2. REGULATIONS AND CONDITIONS.
 - a. All such facilities shall be connected to a public sewer system.
 - b. All washing activities shall be carried out within a building.
 - c. No vacuum equipment shall be located closer than one hundred (100) feet from any property line which abuts a property zoned or used for residential purposes.
 - d. Noise generated on site from any source shall not exceed 40 decibels measured at any property line.
 - e. All parking areas shall comply with the provisions of Article VII of this Zoning Ordinance.
 - f. All signs shall comply with Section 215 of this Ordinance.
 - g. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 611 CHURCHES. See places of public assembly

SECTION 612 CIVIC CLUB. See places of public assembly

SECTION 613 COMMERCIAL ESTABLISHMENT WITH DRIVE THROUGH FACILITIES

1. DEFINITION: A commercial business or establishment which offers any goods or services dispensed through a window, doorway or opening of any kind to patrons that remain in their personal vehicles while the transaction is taking place.
2. REGULATIONS AND CONDITIONS.
 - a. All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns.
 - b. Pedestrian areas shall be clearly marked.
 - c. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
 - d. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
 - e. All parking areas shall comply with the provisions of Article VII of this Zoning Ordinance.
 - f. All signs shall comply with Section 215 of this Ordinance.
 - g. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 614 CONSTRUCTION EQUIPMENT SALES AND SERVICE

1. DEFINITION: Buildings and outdoor storage areas associated with the operation of a business storing and marketing materials and equipment to the general public and to construction companies, including the outdoor storage of equipment, vehicles, trailers, materials and machinery.
2. REGULATIONS AND CONDITIONS.
 - a. The area of a site proposed for use as a construction supplier shall not be less than one (1) acre in size.
 - b. The site shall be fenced on both sides and rear with chain link or similarly durable fencing not less than six (6) feet nor more than sixteen (8) feet in height.
 - c. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.
 - d. No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.
 - e. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
 - f. All off-street parking shall be in compliance with Article VII of this Ordinance.

SECTION 615 DAY CARE, GROUP FACILITIES ACCOMMODATING SEVEN (7) TO TWELVE (12) CHILDREN

1. DEFINITION: A private home in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
2. REGULATIONS AND CONDITIONS.
 - a. Building and lot shall conform to the yard, setback and height standards of the zoning district in which it is located.
 - b. All required state and local licensing shall be maintained at all times.
 - c. All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
 - d. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.
 - e. Such facilities shall be located at least 1,500 feet from any one of the following:
 - 1) A licensed or pre-existing operating group day-care home.
 - 2) An adult care small group home (1-12 adults).
 - 3) An adult foster care large group home (13-20 adults).
 - 4) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - 5) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
 - f. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
 - g. Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
 - h. All parking areas shall comply with the provisions of Article VII of this Zoning Ordinance.
 - i. All signs shall comply with Section 215 of this Ordinance.
 - j. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 616 DAY CARE CENTER OR CHILD CARE CENTER

(Revised 6/11/18)

1. **DEFINITION:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:
 - a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
 - b. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services
2. **REGULATIONS AND CONDITIONS.**
 - a. Building and lot shall conform to the yard, setback and height standards of the zoning district in which it is located.
 - b. All required state and local licensing shall be maintained at all times.
 - c. All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
 - d. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.
 - e. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
 - f. Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
 - g. All parking areas shall comply with the provisions of Article VII of this Zoning Ordinance.
 - h. All signs shall comply with Section 215 of this Ordinance.
 - i. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 617 DWELLING, MULTIPLE-FAMILY (Revised 1/21/17 and 6/11/18)

1. DEFINITION: A dwelling or group of dwellings on one lot used or designed to contain separate living units for three (3) or more families, including triplex units, apartment houses, cooperatives, garden apartments, and condominiums.
2. REGULATIONS AND CONDITIONS.
 - a. Building and lot shall conform to the site development requirements contained in Article VII of this Ordinance.
 - b. No dwelling unit shall have its principal access more than one-hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
 - c. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
 - d. All off-street parking shall be in compliance with Article VII of this Ordinance.
 - e. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.
 - f. The maximum building width as measured parallel to the road right-of-way shall be 150 feet for those buildings facing the street and the maximum length for those buildings situated perpendicular to the road right-of-way shall be 250 feet; except that buildings parallel to the road right-of-way may have a maximum length of 250 feet provided:
 1. They are setback more than 250 feet from the road right-of-way; or
 2. They are overlapping a minimum of one-half (1/2) the width of the perpendicular building located between the building and the road right-of-way.
 - g. A minimum twenty (20) foot separation shall be maintained between all multiple-family buildings, except those located north of U.S. 31 North and Grand Traverse Bay shall remain consistent with the requirements of the RB (Regional Business) zoning district.

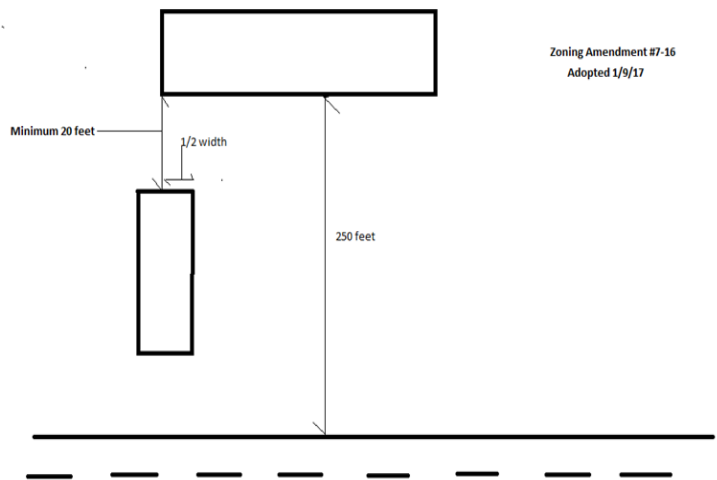


Figure 6.1

- h. A pedestrian sidewalk a minimum of five (5) feet wide shall be constructed along the entire road right-of-way of the parcel containing the multiple-family development.

SECTION 618 EDUCATION FACILITIES

- 1. DEFINITION: Any buildings, facilities, grounds or portions thereof, routinely used for education or instruction in any branch of knowledge.
- 2. REGULATIONS AND CONDITIONS.
 - a. An education facility shall have its primary access directly from a paved, all-season road.
 - b. If an education facility incorporates any gymnasium, theater, auditorium or large meeting space, it shall also comply with the requirements pertaining to Places of Public Assembly.
 - c. All outdoor play areas shall be enclosed with a durable fence six (6) feet in height.
 - d. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes.
 - e. All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.
 - f. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
 - g. All off-street parking shall be in compliance with Article VII of this Ordinance.
 - h. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 619 GRAVEL PITS AND OTHER MINERAL EXTRACTION

- 1. DEFINITION: A parcel of land utilized for the removal or extraction of natural mineral deposits, soil, and organic soils by open pit mining methods.
- 2. REGULATIONS AND CONDITIONS.
 - a. The commercial extraction of subterranean natural resources, other than oil, gas and water, shall be permitted only after obtaining the approval of the Planning Commission.
 - b. General Site Plan Requirements: In addition to the regular application for a special Land Use Permit and payment of fees, the application shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:

- 1) Name and address of owner(s) of land which removal will take place.
 - 2) Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - 3) Location, size and legal description of the total site area to be mined.
 - 4) A plan for extraction and reclamation for the total project which shall include:
 - (a) Surface overburden and topsoil stripping and stockpiling plans.
 - (b) Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion, sedimentation and public safety problems.
 - 5) Surface water drainage provisions and outlets.
 - 6) The location and size of any structures.
- c. Rehabilitation: All extraction areas shall be rehabilitated progressively as they are worked out. Rehabilitated sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of five (5) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration.
- d. Site Development Requirements:
- 1) Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
 - (a) Excavation below the existing grade of adjacent roads or property lines shall not take place within twenty-five (25) feet from any adjacent property line or road right-of-way.
 - (b) No machinery will be erected or maintained within one-hundred (100) feet of any property or road right-of-way line.
 - 2) Fencing: If fencing is deemed a necessary requirement of the Special Land Use Permit, the Planning Commission shall specify the type and location of the required fencing.
 - 3) Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind-blown dust.
 - 4) Hours of operation shall be Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 7:00 a.m. to 12:00 p.m.
 - 5) No hours of operation on Sundays or the following holidays:
 - (a) New Year's Day - January 1st

- (b) Memorial Day – Last Monday of May
 - (c) Independence Day – July 4th
 - (d) Labor Day – First Monday in September
 - (e) Thanksgiving Day – Fourth Thursday in November
 - (f) Christmas Day – December 25th
- e. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the conditional use permit may result in the immediate revocation of said conditional use permit and any and all other sanctions and/or penalties available to the County.
 - f. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.
 - g. Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the Township Treasurer. The performance guarantee shall be in the form of an irrevocable bank letter of credit, a certified check or cash. The amount of a financial guarantee filed with the Township may be one-half (1/2) the total amount required, if approved by the Planning Commission. The financial guarantee shall be returned when all conditions stipulated in the Special Land Use Permit shall have been complied with and the Special Land Use Permit revoked prior to its release. There shall be no partial release of the financial guarantee. **(Revised 6/24/06)**
 - h. Issuance of a Special Land Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Conditional Use Permit may be transferred.
 - i. Permit Expiration: If approval for a Special Land Use Permit is granted by the Planning Commission it shall be for a specific period of time not to exceed five

(5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.

- j. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:
 - 1) Modification of the plan is necessary so that it will conform with the existing laws.
 - 2) It is found that the previously approved plan is clearly impractical to implement and maintain.
 - 3) The approved plan is obviously not accomplishing the intent of the Ordinance.

SECTION 620 DWELLING, SINGLE FAMILY DETACHED

- 1. DEFINITION: Single-family detached housing intended primarily for owner occupancy.
- 2. REGULATIONS AND CONDITIONS.
 - a. Single family detached housing shall be considered a special land use when proposed to be located in the Local Business (LB) or Regional Business (RB) district.
 - b. The parcel area and width for such housing shall meet the requirements of the RB district.
 - c. The development shall include appropriate landscaping pursuant to Section 229 to effectively screen occupants from surrounding commercial land uses.

SECTION 621 FOSTER CARE, ADULT

- 1. DEFINITION: A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult Foster Care Homes shall not include nursing homes.
- 2. REGULATIONS AND CONDITIONS.
 - a. Adult Foster Care homes serving less than seven (7) residents shall be considered a single family dwelling and shall not be subject to the requirements of this Section 622.

- b. Adult Foster Care homes shall, as a condition of special land use approval, at all times maintain all valid state and local licenses.
- c. An adult foster care home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care home.
- d. All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.
- e. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
- f. All off-street parking shall be in compliance with Article VII of this Ordinance.
- g. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 622 FITNESS CENTERS

- 1. **DEFINITION:** A fitness center shall include any establishment open to the public which offers aerobics, free weights, weight-lifting equipment, tanning, stationary bicycling, massage therapy, sports facilities, pools, personal trainers, an indoor running track, saunas, health food, yoga, spinning, martial arts, and other similar facilities and activities related to personal or team athletics, exercise, fitness, health and relaxation.
- 2. **REGULATIONS AND CONDITIONS.**
 - a. A fitness center located within an industrial park shall meet the following requirements:
 - 1) A fitness center shall be designed and constructed to be compatible in materials and appearance with its surroundings and shall conform to the same district regulations as the other buildings within said development, except as regulated in this Section.
 - 2) Within said industrial park development, the Planning Commission may limit the number of fitness center uses permitted and/or the floor area devoted in whole or in part to a fitness center use, or fitness center uses; such that the central purpose of the industrial park as a place primarily devoted to manufacturing, processing, research, development and testing, and related business activities, shall be preserved.
 - b. All fitness centers shall be subject to the following standards:
 - 1) Hours of operation for a fitness center shall be consistent with those of neighboring land uses.
 - 2) In considering the establishment of a fitness center within an area of existing

businesses, the Planning Commission shall consider the general compatibility of land uses and shall seek to encourage a broad range of uses.

- 3) The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 227 of this Zoning Ordinance for a fitness center determined to generate heavy traffic flow.
- 4) All signs shall be in compliance with the provisions of Section 215, 7, of this Ordinance.
- 5) All off-street parking shall be in compliance with Section 702, 3. e, of this Ordinance.
- 6) Landscaping and Buffering shall be provided in accordance with Section 229 of this Ordinance.

SECTION 623 BUILDING FOOTPRINT EXCEPTIONS (Revised 12/28/15 and 12/24/16)

1. DEFINITION: The term "Building Footprint" is defined herein as the area enclosed by the exterior perimeter of a building where it meets the earth together with the area located beneath any building projections. This section sets forth the standards under which exceptions may be authorized.
2. REGULATIONS AND CONDITIONS.
 - a. In the East Bay Corners, Local Business, Regional Business, Professional Office, Airport Services, and Industrial Districts, the Planning Commission may consider and approve exceptions to the maximum building footprint requirements of such districts when it finds substantial and reliable evidence that the proposed use in such building shall be well maintained in accord with local standards and that such building shall remain occupied by viable land uses which contribute to the overall economic vitality of the Township.
 - b. Approval of a special land use for a building footprint exception may be conditioned on assurances, warranties or other guarantees of performance as approved by the Planning Commission subject to the advice of the Township Attorney.
 - c. A building which has been granted a building footprint exception special land use under this section shall not be subject to any deed restrictions or covenants or lease or licensing terms which might inhibit the viable reuse of the building or grounds.
 - d. In the event a building which has been granted a building footprint exception special land use shall become vacant, the following actions shall be taken.
 - 1) The applicant or the applicant's designee shall notify the Township Zoning Administrator in writing of the vacancy within thirty (30) days of the vacancy occurring. In such notice, the applicant shall describe measures to be taken

to secure another occupant or occupants for the building and the applicant shall further acknowledge the continuing obligation to properly maintain the building and grounds, including any cross-access easements to adjoining properties that may exist.

- 2) After twelve (12) months from the date of the notice of vacancy, if the property remains vacant, the applicant or the applicant's designee shall prepare and submit to the Zoning Administrator a written report outlining efforts to maintain and reoccupy the building and grounds. Such report shall be presented to the Planning Commission at its next regularly scheduled meeting and the Planning Commission shall determine whether the property has become a blight on the surrounding area.
 - 3) Any property which has been granted a building footprint special land use and which remains vacant for twenty-four (24) months or which, in the judgment of the Planning Commission has become underutilized to the extent that it becomes a blight on the surrounding area shall be removed and the property shall be made available for reuse. The Planning Commission may, as a condition of approval of a special land use hereunder, require the posting and maintenance of a surety satisfactory to the Township Attorney to support the expense of removal and any and all legal expenses to effect such removal.
- e. The requirements of this Section 624 shall be considered in addition to any other special land use requirements applicable under this ordinance.

SECTION 624 - 625 RESERVED

SECTION 626 LAUNDRY AND DRY CLEANING ESTABLISHMENT

1. **DEFINITIONS:** A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.
2. **REGULATIONS AND CONDITIONS.**
 - a. The minimum lot size shall be one (1) acre and the minimum lot width shall be two hundred (200) feet.
 - b. All exterior lighting shall be equipped with cutoff fixtures to prevent light from casting off the site.
 - c. All storage tanks or other facilities used to store hazardous, toxic, explosive or flammable substances shall be equipped with appropriate containment structures or equipment to prevent any migration of such substances into the groundwater or surface waters of the Township.
 - d. A landscaped buffer not less than twenty-five (25) feet in width shall be provided

along the front lot line and along any side or rear lot line that abuts lands zoned or used for residential purposes.

- e. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
- f. All off-street parking shall be in compliance with Article VII of this Ordinance.
- g. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 627 MAJOR ESSENTIAL SERVICE FACILITIES

1. DEFINITIONS. Any essential service facility as defined herein that is not a routine essential service facility.
2. REGULATIONS AND CONDITIONS.
 - a. Any above ground major essential service facility shall be fully secured from unauthorized entry either by construction of the facility itself or through fencing which meets the requirements of this ordinance.
 - b. As a condition of approval of a special land use permit, the Planning Commission may require remote monitoring of major essential service facilities that may be vulnerable to damage or disruption.
 - c. Major essential service facilities located out-of-doors shall be screened from view from adjoining properties and from public road rights-of-way with evergreen plantings planted at such intervals as to provide an opaque screen within one-year of planting. Equipment buildings intended to house major essential service facilities, such as well houses, pump buildings or equipment shelters, shall be constructed of face brick, decorative masonry, cement board or wood lap siding designed to resemble nearby structures. Provided, that a side of such equipment building that is not visible from a public right-of-way, may be constructed of common cement block or metal panels, if further screened with evergreen landscaping.
 - d. All above ground major essential service facilities shall be located in conformance with the yard, lot width and lot area standards of this ordinance. With the exception of elevated water storage facilities and electrical transmission towers and poles, major essential service facilities shall not exceed the maximum height requirements of the zoning district in which they are located. **(Revised 6/13/11)**
 - e. A major essential service facility shall be considered an accessory use to any other permitted or special land use, if it occupies no more than ten (10) percent of the parcel which is shared with the principal use. A major essential service facility located on an otherwise vacant parcel shall be considered the principal use of that parcel.

- f. An above ground major essential service facility which is fenced or which is housed in an equipment building shall include a sign placard of not more than two square feet which shall indicate the owner or operator's name, address and emergency contact information. In addition, such facilities may include any required hazard warning signage.
- g. Major Essential Services facilities shall not be permitted within the boundaries of the Forest Lakes Overlay area as defined in Section 231, nor within the Boardman River District.

SECTION 628 RESERVED

SECTION 629 MINI-WAREHOUSE, SELF STORAGE 8,000 SQ. FT. OR LESS

- 1. DEFINITION: A buildings or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods where total storage area is not greater than 8,000 square feet in area.
- 2. REGULATIONS AND CONDITIONS.
 - a. The area of the proposed site shall be at least one (1) acre.
 - b. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
 - c. All storage shall be inside an enclosed building. No outdoor storage is allowed.
 - d. The cumulative area of the storage building(s) areas shall not exceed eight thousand (8,000) square feet.
 - e. Parking shall be provided as needed for the office uses as provided in Article VII
 - f. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles be at a minimum that meets the approval of Metro Fire Department. **(Revised 9/10/18)**
 - g. All exterior light fixtures shall be in compliance with Section 210 of this Ordinance.
 - h. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
 - i. All off-street parking shall be in compliance with Article VII of this Ordinance.
 - j. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 630 MINI-WAREHOUSE, SELF STORAGE GREATER THAN 8,000 SQ. FT. IN FLOOR AREA

1. DEFINITION: A buildings or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods, where total indoor and outdoor storage area exceeds 8,000 square feet in area.
2. REGULATIONS AND CONDITIONS:
 - a. The area of the proposed site shall be at least two (2) acres.
 - b. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
 - c. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residential properties.
 - e. Parking shall be provided as needed for the office uses as provided in Article VII
 - f. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles be at a minimum that meets the approval of Metro Fire Department. All outdoor storage areas shall be provided with a smooth and dust free surface. **(Revised 9/10/18)**
 - g. All exterior light fixtures shall be in compliance with Section 210 of this Zoning Ordinance.
 - h. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
 - i. All off-street parking shall be in compliance with Article VII of this Ordinance.
 - j. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 631 MORTUARY, FUNERAL PARLOR

1. DEFINITION: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith prior to burial or cremation.
2. REGULATIONS AND CONDITIONS.
 - a. Mortuary shall be located on a parcel of land with a minimum area of one (1) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance. Provided further that a Mortuary which includes a crematorium shall be located on a parcel of land with a minimum area of five (5) acres.
 - b. A Mortuary with a total combined seating capacity of three hundred (300) or more shall be regarded as a large place of public assembly and shall be required to meet the standards of this Section pertaining thereto.

- c. A Mortuary which includes a crematorium shall be set back from the road right-of-way and any lot line by not less than two hundred (200) feet.
- d. The shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
- e. The site shall be so located as to have all ingress and egress, or a marginal access service drive, be directly onto a primary road, excluding however, onto state trucking roads.
- f. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- g. No funeral processions shall be directed to state trunkline roads.
- h. No building shall be located closer than fifty (50) feet from a property line that abuts any residential district.
- i. A caretaker's residence may be provided within the main building of the mortuary establishment.
- j. Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height.
- k. All required federal, state and local licensing and permits shall be maintained at all times.
- l. All exterior light fixtures shall be equipped with cutoff fixtures to prevent light from casting off the site.
- m. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
- n. All off-street parking shall be in compliance with Article VII of this Ordinance.
- o. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 632 NEIGHBORHOOD LOCAL BUSINESS

1. **DEFINITION:** Retail uses, offices, and personal or professional service businesses intended to primarily serve the immediate neighborhood, supplemented by an ancillary amount of patronage by other than residents of the immediate area. Uses may include, but not be limited to the following:

- o Grocery/Convenience
- o Card and gift shops
- o Barber/Beauty shops
- o Floral shops
- o Art and Framing shops
- o Small appliance repair
- o Banks, Credit Union
- o Video rental
- o Insurance, real estate, medical and dental offices
- o Uses similar to the above in terms of their impact on surrounding properties and local traffic.
- o Drug stores
- o Clothing stores
- o Tanning/Fitness
- o Home decorating
- o Photographer
- o Restaurant (without drive-through)
- o Auto fuel and service
- o Pet Shops
- o Car wash

2. REGULATIONS AND CONDITIONS.

- a. Free-standing businesses shall be located in buildings not in excess of two (2) stories in height with a total floor area not in excess of five thousand (5,000) square feet. Multi-tenant buildings housing Neighborhood Local Businesses shall not exceed two and one-half (2½) stories with a total floor area of fifty thousand (50,000) square feet.
- b. All exterior wall surfaces in excess of thirty (30) feet in length shall include architectural features to vary the appearance of the structure. Such features may include surface articulation treatments, windows, shutters, alternating building materials and similar techniques.
- c. All Neighborhood Local Businesses shall provide for safe and convenient pedestrian access.
- d. Parking areas shall be located in the side yard or in the rear except when specific site conditions require front yard parking.
- e. Neighborhood Local Businesses that cooperate with shared parking and access control measures shall be permitted to exceed the maximum floor area standards of this Section by up to 20%, providing the measures to share parking and access are approved by the Planning Commission and permanently recorded to run with the land.
- f. All exterior light fixtures shall be equipped with cutoff fixtures to prevent light from casting off the site.
- g. Exterior light standards shall not exceed twenty (20) feet in height.

- h. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
- i. All off-street parking shall be in compliance with Article VII of this Ordinance.
- j. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 633 PERSONAL WIRELESS COMMUNICATION FACILITIES
(Revised 02/10/20)

1. **PURPOSE and INTENT:** The Telecommunications Act of 1996 as amended on February 6, 1996 sets forth provisions concerning placement, location and construction of towers and related facilities for personal wireless services. The purpose of this section is to establish general guidelines for the siting of personal wireless service facilities, which include antenna structures (towers). In order that such towers not cause visual pollution or create a safety hazard or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Personal Wireless Service Facilities are specifically determined to NOT be essential services nor to be public utilities as such terms are used in this Ordinance. The intent of these provisions is to encourage users of towers and antennas to:
 - a. Protect residential areas and land uses from potential adverse impacts of towers.
 - b. Place the location of towers in non-residential-zoned areas.
 - c. Minimize the total number of towers throughout the community.
 - d. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
 - e. Located them on Township-owned water towers where feasible and to the satisfaction of the Township Board.
 - f. Locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 - g. Configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
 - h. Locate them to the extent possible at such heights that they do not interfere with efforts to preserve the scenic views and township character, especially within the Mitchell Creek Watershed.
 - i. Use monopole-type towers and establish them at zoning district height limits where possible so as to maintain property values on surrounding properties, not impair scenic views, and provide reasonable service to East Bay Township residents. It is not the intent to create "antennae farms" with a number of monopole and antennae in a small area. Taller towers may be allowed only if it

is proven to the satisfaction of the Township that reasonable service to East Bay Township residents cannot be provided by monopole towers using zoning district height limits.

- j. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- k. Consider the public health and safety of personal wireless service facilities.
- l. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, East Bay Township shall give due consideration to the Mitchell Creek Watershed Protection Strategy, East Bay Township's Comprehensive Plan and zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

It is not the intent to regulate ham radio antennae under this section.

- 2. **ADMINISTRATIVELY APPROVED USES:** The following uses may be approved by the Zoning Administrator after conducting an administrative review:
 - a. **Antennas on Existing Structures:** Compact platform-type, omni directional, or singular-type antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
 - 1) The antenna does not extend more than 15 feet above the highest point of the structure;
 - 2) The antenna complies with all applicable FCC and FAA regulations; and
 - 3) The antenna complies with all applicable building codes.
 - 4) This section is not applicable to the proposed location of antennas or other personal wireless service facilities on existing towers.
 - b. **Microcell Networks:** Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
- 3. **ANTENNA PLACEMENT on TOWNSHIP OWNED WATER TOWERS:** Personal Wireless Service Facility Antennas only, their accessory equipment and shelters, may be installed on East Bay Township-owned water towers, in any zoning district, with an approved lease from East Bay Township, and subject to the requirements of the Site Plan Review provisions of Article VIII, Section 820, Site Plan Review, with review and approval by the Township Planning Commission. In addition to Site Plan Review, the following subsections of Section 634 will be applicable to the review by the Planning Commission, although the Planning Commission may waive or reduce the burden on the applicant of one or more of the criteria of each subsection if the Planning Commission concludes that the goals of this ordinance are better served: Section 634.6, 634.7, 634.10, 634.11, and 634.12.

4. REVIEW PROVISIONS and ZONING DISTRICTS ALLOWED: Personal Wireless Service Facilities, including Towers and Antennas, their accessory equipment and shelters as defined will be considered as a listed special land use and activities eligible for approval consideration, subject to all the provisions within each district as allowed and specified , and also subject to the requirements of the Site Plan Review provisions of Article VIII, Section 820, Site Plan Review, after review and approval by the Township Planning Commission.

Zoning Districts which will be applicable to this land use are Local Business (LB), Regional Business (RB), Professional Office (PO), Industrial (IND), Agricultural (AG), Lakes Area (LA), Boardman River (BR), Natural Area (NA) and Rural Residential (RR).

Personal Wireless Service Facilities not exceeding 75' in height, no closer than four times its height from any residence, on a parcel containing non-residential uses are eligible for special land use approval consideration in the Low Density Residential (LDR) zoning district

5. SPECIAL LAND USE REVIEW PROCEDURES:
 - a. Applications for special land use under this Section shall be subject to the procedures and requirements of zoning district, except as modified in this Section.
 - b. In granting a special land use, the Planning Commission may impose conditions that are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - d. Applicants for special land uses shall submit the information described in this Section and a non-refundable fee as established by Resolution of East Bay Township, to reimburse East Bay Township for the costs of reviewing the application.
6. ADDITIONAL INFORMATION REQUIRED FOR REVIEW: In addition to the standard requirements of information requested of all uses under Special Land Uses and Site Plan Review, Personal Wireless Service Facilities will be required to provide additional information as follows;
 - a. Evidence of ownership of the property on which the facility is to be placed.
 - b. Name and address of the proposed owner and/or operator of the site.
 - c. Engineering requirements for the service to be provided at the site.
 - d. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.
 - e. Preliminary design of all proposed structures.
 - f. Registered Engineer's certification of the design and safety of the proposed

- tower to withstand winds of 85 miles per hour.
- g. A landscape plan showing specific landscape materials.
 - h. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - i. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - j. Each applicant shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of East Bay Township, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the Township, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 - k. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - l. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
 - m. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - n. A description of the feasible location(s) of future towers or antennas within East Bay Township or within two miles of the borders of East Bay Township, based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
 - o. For towers to be located within the LDR zoning district, applicant may be required to describe the proposed method of design used to conceal the Personal Wireless Service Facility in an existing structure, where possible, or otherwise use camouflage or other aesthetic screening techniques to minimize the structure and to assist in blending it within its surroundings.
7. **FACTORS CONSIDERED** in GRANTING SPECIAL LAND USES for TOWERS: In addition to any standards for special land uses in each zoning district that applies, the Planning Commission shall consider the following factors in determining whether to issue an approval, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served:

- a. Height of the proposed tower.
 - b. Proximity of the tower to residential structures and residential district boundaries.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree coverage and foliage.
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress.
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
8. AVAILABILITY of SUITABLE EXISTING TOWERS, OTHER STRUCTURES, or ALTERNATIVE TECHNOLOGY: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple

low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

9. GENERAL PROVISIONS: Construction of Personal Wireless Service Facilities including their accessory Equipment, and/or Equipment Shelter Buildings are allowed in East Bay Township subject to the following provisions:
- a. Multiple Antenna/Tower Plan; East Bay Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority.
 - b. Such equipment shall not be placed in any road right-of-way or in any easement for road purposes.
 - c. Such towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner), that have an area no less than the minimum parcel size for the district. The Zoning Board of Appeals shall not reduce this size limit.
 - d. All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than 75% of the tower's height from any property line, and in no case less than 200 feet from any residence or 200 feet from a residential zoning district.
 - e. All Towers located in the Grand Traverse Bay Scenic view area as shown in the Mitchell Creek Watershed Protection Strategy and/or East Bay Township Comprehensive Plan shall be designed as to not to block the view of Grand Traverse Bay. This may include a height limit and a camouflage design.
 - f. All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Cherry Capital Airport Commission and FAA for review and approval prior to approval by East Bay Township. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - g. Prior to approval by the Township any franchise required by the Township Board shall be in place.
 - h. If the tower is located in a prime scenic view but its location is adjacent to

- existing structures, is backed by trees or other vegetation, or is otherwise located so that in the sole discretion of the Planning Commission it does not impair the scenic view.
- i. Antennas and/or repeaters may be mounted on existing towers, silos or farm buildings.
 - j. Antenna type preferred for all applications are the singular tube antenna type such as omni directional antennas or arrangements that use compact-type platforms instead of the broad designed type sectorized antenna array.
 - k. The tower and/or antenna is painted or screened so as to blend into the background.
 - l. The service building is aesthetically and architecturally compatible with its environment. **(Revised 4/21/07)**
 - 1) The service building shall be constructed of compatible materials such as wood, brick, or stucco, and shall be designed to architecturally match the exterior of buildings within three hundred feet of the property on which it is located.
 - 2) In no case will metal exteriors be allowed for service buildings.
 - 3) All connecting wires from towers to accessory buildings shall be underground
 - 4) All electrical and other service wires to the facility shall be underground.
 - 5) The service building shall be no larger than necessary to house the equipment and meets all setback requirements of this Ordinance.
 - m. The tower itself is strongly preferred to be of a monopole design. If the applicant proposes to use a guyed or lattice tower, the applicant shall demonstrate why a monopole design cannot be used.
 - n. The Township may require landscape screening of the service building and fencing.
 - 1) Landscaping shall consist of a 5 foot wide buffer of plant materials that effectively screens the view of the tower compound from adjacent parcels. This buffer shall be located outside the perimeter of the compound.
 - 2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - 3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
 - o. Lighting shall be limited to that absolutely necessary and required by appropriate agency.
 - p. All lighting shall be shielded and directed downwards; light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the property.
 - 1) Light poles and fixtures shall be located as low as practical; A greater

number of low "area" lights are favored over higher lights. Dark Sky-type lighting fixtures shall be used only for land base area.

- 2) Strobe lights shall not be allowed except as required by FAA.
- q. The Township Planning Commission may, at its sole discretion, require that the tower be camouflaged to resemble a tree or otherwise be made to be less obtrusive.
- r. Signs; No signs shall be allowed on an antenna or tower.
- s. Security fencing; Towers shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
- t. Emergency Provider Use; The applicant is encouraged to provide at no cost, co-location space for public emergency service providers, should the need exist.
- u. Towers may exceed district height limits, providing they comply with the following standards, in addition to the previous listed standards:
 - 1) In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on East Bay Township, co-location, or the provision of more than one antenna on a single tower may/will be allowed and/or required by the Township.
 - (a) The Applicant shall be required to provide information regarding the feasibility of co-location at proposed sites. Factors to be considered in determining feasibility of co-sharing include available space on existing towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and any FCC limitations on tower sharing.
 - (b) The applicant shall be required to send a certified mail announcement to all other tower users in the area, stating their siting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied or deny space on a tower unless mechanical, structural, or regulatory factors prevent them from sharing.
 - (c) The applicant shall be required to provide a letter of intent to lease excess space on a facility and commit itself to:
 - i. respond to any requests for information from another potential shared use applicant;
 - ii. negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and;
 - iii. make no more than a reasonable charge for a shared use lease.

- (d) Once a co-location type tower has received a special land use approval, the Zoning Administrator may approve such co-locator antennas without review by the Planning Commission.
 - 2) Tower height may be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the Township determined by the Township Board to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of the district maximum height. Where the independent evaluation shows that service can be provided by a lower elevation tower, no tower in excess of the district maximum height shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.
 - 3) Tower separation distances between proposed and pre-existing towers are as follows: monopole over 35 feet in height - 1,500 feet, lattice and guyed towers - 5,000 feet.
- 10. REMOVAL of ABANDONED ANTENNAS and TOWERS: The maximum time which an unused tower may stand is twelve (12) months. The applicant or owner is responsible for the removal of an unused tower. Failure to do so shall be sufficient for the Township to remove the structure according to the provisions under the Dangerous Buildings Law.
- 11. FINANCIAL GUARANTEES: The owner of a Personal Wireless Service Facility; including equipment/accessory buildings, shall post a financial guarantee with East Bay Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 180 days. Said financial guarantee shall be in the form of an irrevocable bank letter of credit, cashier's check or cash. The amount of the financial guarantee shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the personal wireless service facility. **(Revised 6/24/06)**
- 12. NONCONFORMING USES:
 - b. Not Expansion of Nonconforming Use; Antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - c. Pre-existing towers; Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance, however, modifications to height and type of construction of pre-existing towers shall not be permitted.

- d. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas; Notwithstanding Section 634.10, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special land use approval having to meet the separation requirements of this Ordinance. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Land Use permits to rebuild the facility shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 634.10.

SECTION 634 RESERVED

SECTION 635 PLACES OF PUBLIC ASSEMBLY (LARGE & SMALL)
(Revised 11/25/16 and 6/11/18)

1. DEFINITION: Places of public assembly shall include theaters, churches and other religious institutions, auditoriums, banquet halls, sports arenas, lecture halls, and other similar facilities intended for entertainment, instruction, worship, sports, or similar activities involving assembled groups of people numbering fifty (50) or more.
 - a. Small Places of Public Assembly. A place of public assembly shall be considered a small facility if it has either less than (10,000) square feet of gross floor area or total seating capacity of no more than three-hundred (300) in the largest room intended of public assembly.
 - b. Large Places of Public Assembly. A place of public assembly shall be considered a large facility if it has either (10,000) square feet or more in gross floor area, total seating capacity of more than three-hundred (300) in the largest room intended for public assembly, or which is designed to be capable of expanding to meet these standards in the future. For the purposes of this paragraph, a capability to meet these standards may be demonstrated by sufficient available land owned by the applicant or an entity associated with the applicant, a building designed to readily accommodate an expansion or a declaration by the applicant of future intent to expand the facility to meet these standards.
2. REGULATIONS AND CONDITIONS.
 - a. A place of public assembly determined to be a large facility under this ordinance shall be located so as to have its primary access directly onto U.S. 31 North or onto a County primary road. Review comments from the Grand Traverse County Road Commission and Metro Fire shall be submitted to the East Bay Charter Township Office of Planning & Zoning prior to consideration of a site plan for a large place of public assembly by the Planning Commission; with particular comment as to whether a second means of ingress and egress is recommended to assure the safety of the general public, and if so recommended, the recommended minimum distance between such means of ingress and egress.

- b. A place of public assembly determined to be a large facility under this ordinance shall be located on a parcel of land with a minimum area of five (5) acres. Provided, however, that such facility shall meet the maximum lot coverage requirements of this ordinance.
- c. A place of public assembly determined to be a small facility under this ordinance shall be located on a parcel of land that meets the minimum lot size requirements for the district in which it is located. Provided, however, that such facility shall meet the maximum lot coverage requirements of this ordinance.
- d. For a place of public assembly determined to be a large facility, the Zoning Administrator may require the completion of a traffic impact study under the terms of Section 227 of this Zoning Ordinance.
- e. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
- f. All off-street parking shall be in compliance with Article VII of this Ordinance.
- g. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.
- h. Places of public assembly may contain an accessory child care center, subject to a land use permit and the regulations and conditions of Section 617.2. The maximum capacity of a child care center for small places of public of assembly without special land use approval shall be 50 children, while the maximum capacity of a large place of public assembly without special land use approval shall be 75 children. **(Revised 6/11/18)**

SECTION 636 PLANNED UNIT DEVELOPMENT

1. **DEFINITION:** A planned unit development is intended to accommodate developments; with mixed or varied uses, having sites with unusual topography or unique settings within the community, or on land which exhibits difficult and costly development problems.
2. **STATEMENT OF INTENT:** It is the purpose of this section to permit in the Township flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are physically and visually separated from other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from arterial and collector roads as designated in the Township Comprehensive Plan (see Map 13 of the Township Comprehensive Plan incorporated in this Article), and will not have any adverse economic, social, or environmental impact on surrounding land uses. Planned Unit Developments may be located anywhere in the Township upon the issuance of special land use approval by the East Bay Township Board of Trustees.

Planned Unit Developments are also subject to Site Plan Review provisions of Article VIII Section 820 of this Ordinance.

4. OBJECTIVES: Planned unit developments in accordance with this section are intended:
 - a. To permit flexibility in the regulation of land development.
 - b. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
 - c. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
 - d. To encourage useful open space; to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and Township.
 - e. To encourage the innovative use, re-use, and improvement of existing sites and buildings.
4. REGULATIONS AND CONDITIONS: Planned unit developments shall meet the following general standards:
 - a. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of East Bay Township residents and the benefits of the development are not achievable under any single zoning classification.
 - b. The use shall be consistent with the East Bay Township Master Plan and Future Land Use Map as set forth in this Article.
 - c. The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal.
 - d. The development consolidates and maximizes usable open space.
 - e. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
 - f. Vehicular and pedestrian circulation, allowing, safe convenient, non-congested and well-defined circulation within and access to the development shall be provided.
 - g. Existing important natural, historical and architectural features within the development shall be preserved.
5. DIMENSIONAL & USE RESTRICTIONS: In acting upon the application, the Township Board of Trustees may alter lot size limits, required facilities, buffers, open space areas, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are consistent with the intent, objectives, and standards set

forth in Section 637.1,2, and 3. Further, the Township Board of Trustees may also alter density limits; providing they do not exceed recommended maximums set forth in the Township's Comprehensive Master Plan.

The Township Board of Trustees may also authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section, the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the permit.

6. PUD APPLICATION: A planned unit development application shall be submitted to the Township Planning Commission for review, analysis, and hearing process. An application fee is required and shall be non-refundable. The Township Board shall by resolution establish the amount of the application fee. All land for which application is made must be owned by the applicant and the parcel must be capable of being planned and developed as one integral land use unit. Non-contiguous parcels may be considered. The application must be signed by all applicants and must contain the materials described in this Section. Failure of the applicant to provide such requested information in a timely manner may delay the process of review.
 - a. Developer's intent and objectives (physical, social and environmental)
 - b. A certified boundary survey and legal description of the property.
 - c. A statement of present ownership of all land contained in the PUD.
 - d. A population profile for the development.
 - e. Proposed financing.
 - f. Development staging.
 - g. Soil types and ability of soils to accommodate the proposed development.
 - h. Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection and emergency services.
 - i. Estimated impact of the proposed development on the environment which includes;
 - 1) A written assessment and analysis of the proposed development regarding the water, air and natural features.
 - 2) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
 - 3) Mitigation measures proposed to minimize the impact.
 - 4) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.
 - j. Waste emissions and methods of handling smoke, dust, noise, odors, liquids, solids and vibrations, if applicable.
 - k. Market and economic feasibility.

- I. Such other information pertinent to the development or use.
- m. Eleven copies of a Preliminary Site Plan, that includes;
 - 1) A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, a certified boundary survey and legal description of the property.
 - 2) Property parcel number (from the Assessment Roll of the Township).
 - 3) Topography of the site at two (2) foot contour intervals, its relationship to adjoining land, and proposed changes in topography.
 - 4) Itemization of existing man-made features, existing land use and zoning for the entire site and surrounding area within one hundred (100) feet.
 - 5) Show all water features; springs, streams and creeks, lakes and ponds, wetlands, flood plains.
 - 6) Proposed setbacks from property lines and building separations distances.
 - 7) Locations, heights and sizes of structures and other important features. A rendering of the exterior elevation of the buildings and structures.
 - 8) A land use tabulation summary shall be provided in the margin of the plan indicating types of uses, acreage for each land use, number of units, densities and land use intensities.
 - 9) Also include percentage of land covered by buildings, parking and landscape open space, or reserved for open space.
 - 10) Dwelling unit density where pertinent.
 - 11) Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
 - 12) Curb-cuts, driving lanes, parking and loading areas.
 - 13) Location and type of drainage, sanitary sewers, storm sewers and other facilities.
 - 14) Location and nature of fences, landscaping and screening. Also show proposed landscape massing, open spaces and their intended use, active and passive recreation facilities pursuant to the landscaping and buffering standards of Section 229.
 - 15) Proposed earth changes.
 - 16) Signs and on-site illumination.
 - 17) The location of all existing trees having five (5) inches or greater diameter breast height, identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. Cluster of trees standing in closed proximity (3-5 feet or closer) may be designated

as a "stand" of trees, and the predominant species, estimated number and average size shall be indicated.

- 18) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Planning Commission.

7. PROCEDURE:

- a. A public hearing by the Township Planning Commission shall be held on each planned unit development request properly filed under the terms of this ordinance. Notice of the public hearing shall be given as required by Section 831, Hearing Notice Procedures, of this Ordinance. **(Revised 4/6/07)**
- b. The notice of the public hearing shall contain the following:
 - 1) Description of the nature of the planned unit development request.
 - 2) Description of the property which is the subject of the planned unit development.
 - 3) Time and place of consideration of and public hearing on the planned unit development request.
 - 4) When and where written comments will be received concerning the request.

8. DECISIONS: If the Township Planning Commission determines that the PUD application is consistent with the intent of the ordinance as expressed above and with the other standards and requirements herein contained, it shall recommend its findings to the Township Board of Trustees, which shall, following a public hearing with notice given as required by Section 831, Hearing Notice Procedures, of this Ordinance, then make a final decision to enter an order authorizing development and use in accordance with the application and material submitted, modified as the Township Board of Trustees may consider necessary to carry out the intent and standards of this ordinance and containing any lawful conditions or restrictions which the Township Board of Trustees may consider necessary to carry out the purposes of this ordinance and to protect the public health, safety and welfare. The decision of the Township Board of Trustees shall be a discretionary decision. The order shall recite the findings of fact and the reasons upon which it is based. Said order, findings, conditions of approval and other requirements of the Township Board, may be set forth in a Development Agreement prepared by the Township Attorney and the completion and execution of said Development Agreement shall be accomplished prior to the issuance of a land use permit. **(Revised 6/24/06 and 4/6/07)**

9. EFFECT: After approval of a planned unit development, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the planned unit development or only as authorized by the provisions of this Ordinance which would apply if the planned unit development order had not been issued.

10. PHASED PUDS: Each phase of a PUD shall be planned, developed and approved

to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.

11. **AMENDMENTS:** An order approving a planned unit development may be amended as follows:

a. **Minor amendments.** Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

b. **Major amendments.** Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Township Board of Trustees according to the procedures authorized by this section for approval of a planned unit development.

12. **EXTENSION AND TERMINATION. (Revised 8/10/09)**

a. **Automatic Termination and Extension.** A Special Land Use Permit authorizing a PUD shall expire two (2) years from the date of final approval. Upon written request stating the reasons therefore, the Planning Commission shall make a recommendation to the Township Board to extend the Special Land Use Permit authorizing a Planned Unit Development for an additional one (1) year period, however no more than three (3) extensions for a special land use permit authorizing a PUD shall be granted for any reason under this Ordinance.

The Township Board may affirm or reject such a recommendation. In order to receive a recommendation for an extension, the evidence must show the following:

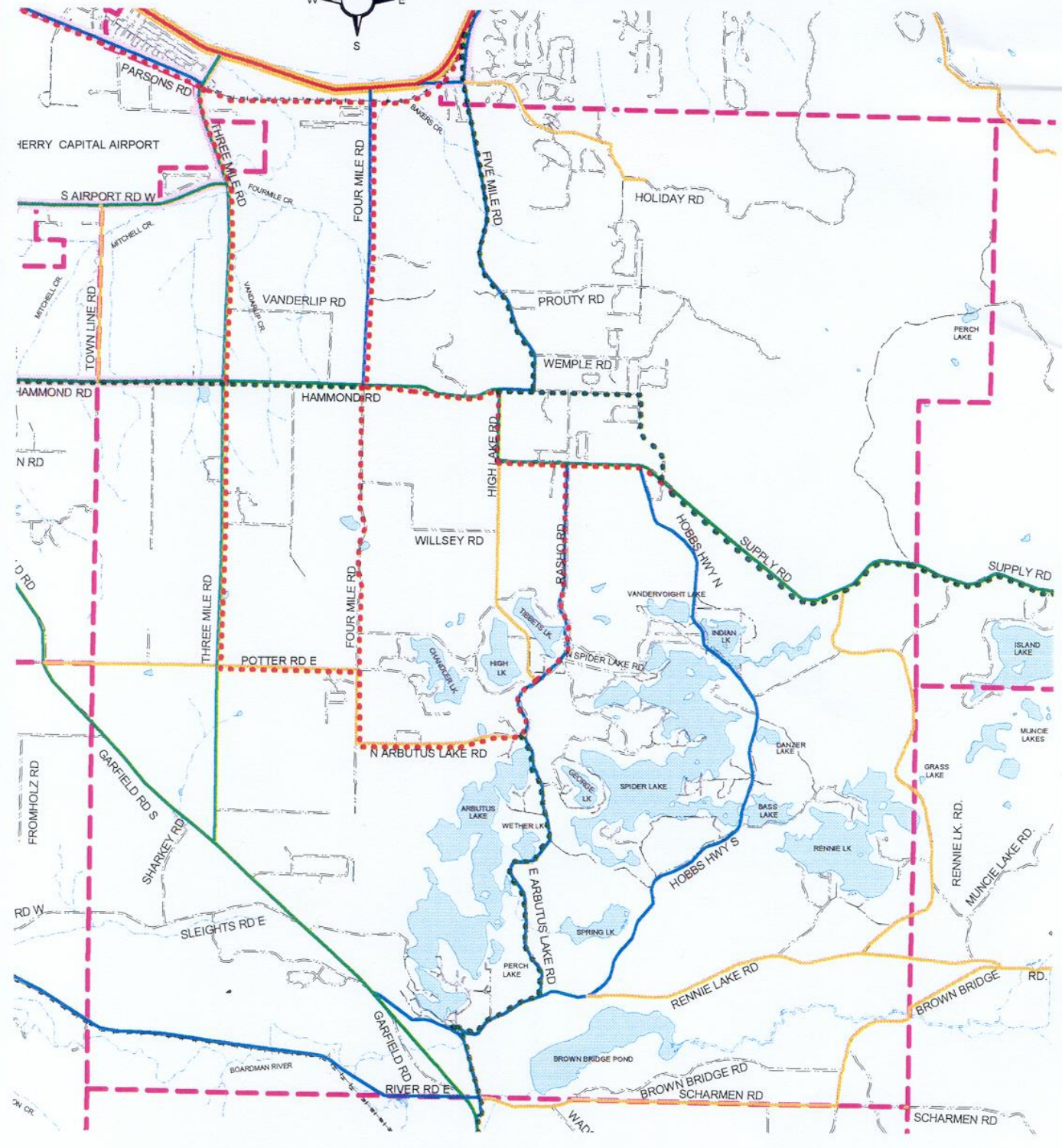
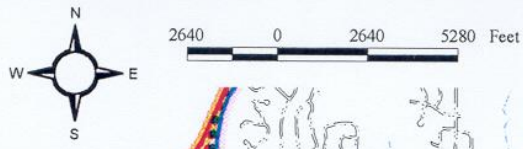
- 1) The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
- 2) The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
- 3) Development or redevelopment in the proximity to the approved PUD and/or PUD phase has not resulted in changed conditions impacting the site.
- 4) There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.

b. An application for an extension of a Special Land Use Permit authorizing a Planned Unit Development must be filed at least 60 (sixty) days prior to the expiration of the original Special Land Use Permit authorizing a planned unit development or the expiration of any extension previously approved by the

township, whichever is applicable. The application form for requesting an extension shall be provided by the Township and can be obtained from the Township Zoning Administrator or Deputy Zoning Administrator. An application fee for an extension is required and shall be non-refundable. The Township Board shall by resolution, establish the amount of the application fee for the renewal. The renewal is only applicable to the property subject to the originally approved Special Land Use Permit authorizing the Planned Unit Development.

- c. Any such extension is subject to reasonable conditions established by the Planning Commission and authorized by the Township Board, including, if necessary, the implementation of a new or additional performance guarantee requirement pursuant to section 830 of the East Bay Township Zoning Ordinance.
- d. Other Means of Termination of a Special Land Use Permit Authorizing a PUD. A Special Land Use Permit authorizing a PUD may be canceled by written agreement executed by the owner or authorized agent of the owner of the land to which it pertains and the Zoning Administrator or Deputy Zoning Administrator at any time when the development and the use of the land is in conformance with all provisions of this ordinance which would apply if such Special Land Use Permit had not been issued. The Special Land Use Permit may be rescinded at any time by the Township Board of Trustees for violation of the Special Land Use Permit by the applicant, its successors, agents or assigns after written notice to the current owners and occupiers of the PUD area has been provided and after a hearing before the Planning Commission on the alleged violation.
Upon termination of a Special Land Use Permit authorizing a PUD, the zoning requirements shall revert to the current requirements for the zoning district designated for the property.

- 13. ORDINANCE AMENDMENT: A planned unit development approval shall not be considered an ordinance amendment.



Legend

- Existing Bike Routes
- County Bicycle Plan
- County/Township Bicycle Plan
- Road Functional Classifications
- Regional Arterials
- Local Arterials
- Principal Collectors
- Secondary Collectors
- All Season Truck Routes
- National Truck Network
- Year-Round Roads

Sources:
 GTC Rd. Comm., 1998 (Rd. Classes, Truck Routes)
 GTC 20-20 Plan, 1994 (Bicycle Routes)
 East Bay Twp., 1998 (Bicycle Routes)

**Existing Transportation Map
 East Bay Township**

Grand Traverse County, MI

Williams & Works and
 Gourdie/Fraser & Assoc., Inc.
 1999

East Bay Township

Grand Traverse County, Michigan

Future Land Use

Approved by the Planning Commission: December 1, 2015

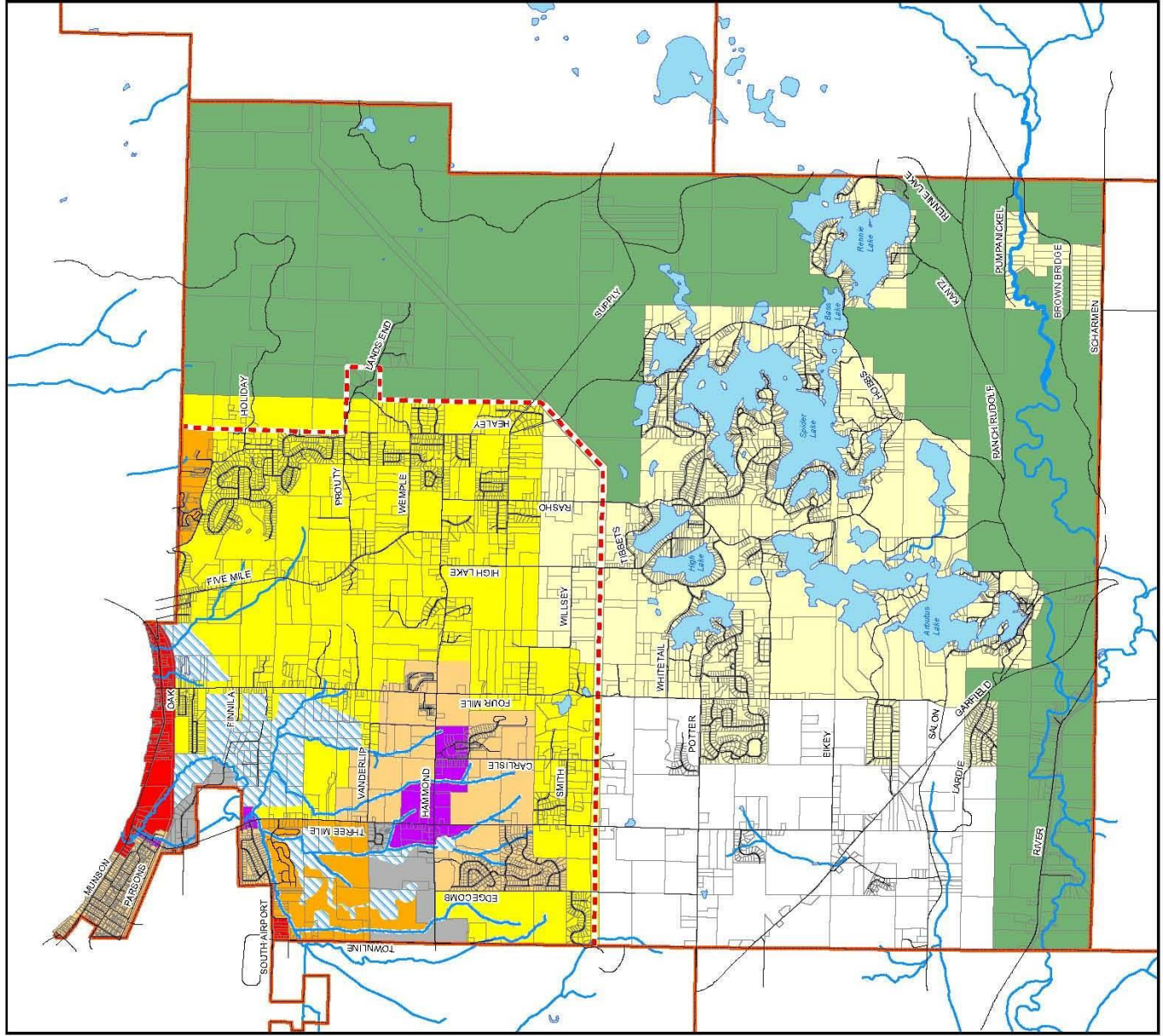
Future Land Use

- Growth Boundary
- Water
- Agricultural
- Industrial
- Mitchell Creek Protection
- Natural Area Preservation
- Neighborhood Commercial/Multi-Family
- Regional Commercial
- Residential - Very Low Density 1Du/Ac
- Residential - Low to Medium Density 1-4 Du/Ac
- Residential - Medium to High Density 5-8 Du/Ac
- Residential - High Density 8-12 Du/Ac

1 inch = 6,000 feet



Williams & Works
engineers planners architects



SECTION 637 VEHICLE REPAIR FACILITIES

1. DEFINITION: A building, structure or parcel of land, or any portion thereof, used for the diagnosing, repairing, cleaning, equipping and/or painting of motor vehicles.
2. REGULATIONS AND CONDITIONS.
 - a. Within an industrial park or planned industrial development, Vehicle Repair Facilities may constitute the greater of one (1) lot or unit or five percent (5%) of the total developable area of the industrial park or planned industrial development.
 - b. Parking or storage of inoperable vehicles shall be completely enclosed by an opaque fence eight (8) feet in height or an evergreen landscape buffer not less than eight (8) feet in height. All vehicle parts and scrap shall be stored entirely within an enclosed structure.
 - c. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building. No outdoor storage of merchandise or equipment shall be permitted.
 - d. All repair and maintenance activities shall be performed entirely within an enclosed building.
 - e. The provisions of Section 219.8 shall apply to the location of Vehicle Repair Facilities.
 - f. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
 - g. All off-street parking shall be in compliance with Article VII of this Ordinance.
 - h. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.
 - i. The provisions of Section 220 shall apply to the location of Vehicle Repair Facilities.

SECTION 638 LIMITED RETAIL SALES (Revised 2/8/10)

1. DEFINITION: The retail sales of goods, wares, or merchandise manufactured, produced, or assembled on site and the retail sales of related products or goods which are clearly incidental and subordinate to the goods, wares, or merchandise manufactured or assembled on site.
2. REGULATIONS AND CONDITIONS.
 - a. Pursuant to this Section, within an industrial area, industrial park, planned industrial development or within the Industrial Zoning District, the Planning Commission may permit limited retail sales when it finds that the proposed special land use will meet the requirements of this Zoning Ordinance and that the proposed special land use will not substantially alter the fundamental purpose or character of the industrial area nor conflict with or undermine the viability of existing or potential industrial land uses within the area.

- b. All activities associated with the proposed limited retail sale of goods or products manufactured on site shall be conducted in an area of not more than 10% of the total floor area within a structure or facility, but not to exceed 1,000 square feet.
- c. The products and goods to be sold must be manufactured, produced, or assembled on site, or be clearly incidental and subordinate or promotional to the products or goods manufactured, produced, or assembled on site.
- d. The retail sale of items which promote the business but which are not produced on site, shall have the name or logo of the business clearly affixed to the product by silk screening, embroidery, monogramming, etching, engraving, decals or other means of permanence. No generic or non-logo items may be sold on site.
- e. All retail sales activities shall be performed entirely within an enclosed building. No outdoor storage of merchandise or equipment shall be permitted.
- f. Hours of retail sales shall not begin before 10:00 AM nor continue later than 7:00 PM
- g. Retail sales shall not be permitted until all applicable local, state, or federal permits have been acquired.
- h. All signs shall be in compliance with the provisions of Section 215 of this Ordinance, provided, however, that the provisions of Section 215, 7, b, may be adjusted to permit a single fascia sign advertising the limited retail sales activity in addition to one other fascia or freestanding sign serving the business.
- i. All off-street parking shall be in compliance with the in Article VII of this Ordinance and the provisions of Section 700, 3, shall apply to any parking area jointly used by the manufacturing operation and the limited retail sales operation.
- j. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 639 - 642 RESERVED

SECTION 643 TWO-FAMILY DWELLINGS (Revised 7/9/12)

- 1. DEFINITION: A single building used or designed for use exclusively as two dwelling units as defined herein for independent residency by no more than two families.
- 2. REGULATIONS AND CONDITIONS.
 - a. Building and lot shall conform to the site development requirements contained in Article VIII of this Ordinance.
 - b. A Two-Family Dwelling located in the LDR district shall front on and take its primary access from either South Airport Road or Three Mile Road, north of South Airport Road.
 - c. No dwelling unit shall have its principal access more than one-hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.

- d. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
- e. All off-street parking shall be in compliance with Article VII of this Ordinance.
- f. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

SECTION 644 TOWNSHIP USES

- 1. DEFINITION: Buildings, facilities and grounds owned or leased by East Bay Township as a part of its normal municipal responsibilities and duties.
- 2. REGULATIONS AND CONDITIONS.
 - a. A Township use that includes access by the general public shall be located on a paved, all-season roadway.
 - b. A Township use that includes meeting space to accommodate fifty (50) or more persons at one time shall comply with the requirements for Places of Public Assembly set forth in this Article.
 - c. All off-street parking shall be in compliance with Article VII of this Ordinance.
 - d. All outdoor storage areas shall be enclosed with an opaque fence six (6) feet in height.
 - e. All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.

SECTION 645 CAMPS AND CAMPGROUNDS (Revised 10/13/08)

- 1. DEFINITION: An area or establishment intended to contain temporary or permanent buildings, tents, recreational vehicles such as motor homes or camper trailers, or other structures established or maintained as temporary living quarters, usually operated during the summer for recreation, religious, education, or vacation purposes.
- 2. REGULATIONS AND CONDITIONS.
 - a. Camps and campgrounds shall only be placed on parcels of 40 acres or greater.
 - b. Individual camp sites, accessory buildings and similar features shall be isolated from surrounding single-family residential uses or similar camps and campground uses by screening, distance or other means satisfactory to the Planning Commission to protect the quiet enjoyment and aesthetic values of adjoining properties..
 - c. Camps and campgrounds shall comply with site design standards set forth by the Michigan Department of Environmental Quality.
 - d. As part of a submittal for special land use approval for Camps and Campgrounds, the applicant shall present a detailed management plan for the facility. Such management shall include, but not be limited to, the following

information and the continued compliance with the terms of the management plan shall be a condition of any approval granted under this section:

- 1) The total number of campsites proposed
 - 2) The maximum permitted duration of residency
 - 3) The general nature of camping shelters, recreation vehicles and related equipment anticipated on site
 - 4) The nature of services and facilities to be offered to facility users
 - 5) Policies and enforcement procedures to deal with noise, rowdy behavior, and similar nuisance activities
 - 6) The hours and seasons the facility will operate
 - 7) Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.
- e. Campgrounds shall obtain and maintain any required state licensing.
- f. When applicable, camps and campgrounds shall comply with all requirements of the Grand Traverse County Health Department.

Section 646 Bungalow Courts and Cottage Clusters (Revised 6/12/17)

DEFINITION: A group of detached or semi-detached, one or two-family dwellings situated around a shared central courtyard or garden and which are used for non-transient housing.

1. LOT WIDTH: The minimum lot width for the parcel containing a bungalow court or cottage cluster shall be 150 feet.
2. FLOOR AREA: Bungalow court and cottage cluster units shall contain a minimum of 400 square feet of floor area per unit and shall not exceed 1,200 square feet of floor area per unit.
3. HEIGHT: The maximum building height shall not exceed 26 feet.
4. SETBACKS:
 - a. From an external fronting road right-of-way(s): 25 feet
 - b. Side yard: 7 feet on each side
 - c. Between a dwelling unit and garage, including eaves: 5 feet
 - d. From shared internal driveway(s) or shared alley(s) serving the bungalow court/cottage cluster: 20 feet
5. MAXIMUM NUMBER OF UNITS: The maximum number of units in a bungalow court or cottage cluster shall be 40.
6. REGULATIONS AND CONDITIONS:
 - a. The minimum width of each bungalow or cottage unit shall be 20 feet.
 - b. Off-street parking, garages, carports, minor accessory buildings, driveways, alleys, and maneuvering lanes shall be prohibited within the

central courtyard/garden and from the external front yard of the bungalow court.

- c. All garages and carports shall be rear-loaded, away from the shared central courtyard/garden.
- d. All off-street parking shall be located behind the dwelling units.
- e. A maximum one (1) minor accessory building, other than the garage/carport is permitted.
- f. Garages/carports, whether attached or detached shall not exceed the footprint of the principal residential structure.
- g. Garages shall not be converted to residential purposes.
- h. Services, including all utilities, aboveground equipment, and trash containers shall be located away from the shared central courtyard/garden.
- i. Each dwelling unit shall front upon the shared central courtyard/garden and shall have a front porch or terrace facing the shared central courtyard/garden.
- j. Each dwelling unit shall be constructed upon a permanent foundation.
- k. Shared internal sidewalks, a minimum of five (5) feet in width, shall be provided within the shared central courtyard/garden area, connecting the shared central courtyard/garden to off-street parking, and connecting the shared internal sidewalk to an external public sidewalk fronting the parcel along an approved public or private road.
- l. The shared central courtyard/garden area shall comprise a minimum of 20 percent of the total site area of the bungalow court/cottage cluster development.
- m. Shared internal drives shall be a minimum 20 feet in width.
- n. Shared internal drives shall be paved.
- o. Parallel parking may be included along one side of the shared internal drive(s), provided the width of the shared internal drive is increased by eight (8) feet to accommodate the parallel parking.
- p. Individual units are not subject to site plan review, but are subject to a land use permit.
- q. Short-term rentals of less than 30 days are prohibited within a bungalow court or cottage cluster.
- r. Bungalow courts and cottage clusters shall be exempt from the interconnection requirements of Section 228.4.

ARTICLE VII
OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 700 REQUIREMENTS

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

1. Location of off-street parking spaces may be within a rear yard or side yard. Off-street parking shall not be permitted within a minimum front yard set back unless otherwise provided in this Ordinance. Required off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
2. Location of off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership of all lots or parcels intended for use as parking by the applicant shall be shown on the site plan.
3. Joint use of off-street parking areas may be provided collectively by two or more buildings or uses, PROVIDED the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately. In the instance of dual function of off-street parking spaces where operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Planning Commission may grant an exception.
4. Fractional Spaces: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one half shall be disregarded and fractions over one-half shall require one parking space.
5. In cases of uses not specifically mentioned, the requirements of off-street Parking spaces shall be in accord with the use which the Zoning Administrator considers is similar in type.
6. Off-street parking areas shall not be used for commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles.

SECTION 701 DEFINITIONS

1. The term "floor area," as applied in this section. Is that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or

customers, but excluding floor areas which are used or intended for use exclusively for storage, for housing of mechanical equipment integral with the building, hallways, or utilities or maintenance facilities. Measurement of floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

2. The term "dwelling unit," as used in this Section, shall be consistent with the definitions of dwelling unit contained in Article XIV.

SECTION 702 PARKING SPACE REQUIREMENTS

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

1. RESIDENTIAL

Use

Number of Parking Spaces Per Unit of Measure

- | | | |
|----|--|---|
| a. | One family, two family, multiple family, mobile home | Two for each dwelling unit for one and two family and mobile home, 1½ per dwelling unit for multiple family |
| b. | Housing for elderly | One for each two units, and one for each employee. |
| c. | Mobile home park | Two for each mobile home site and one for each employee. |
| d. | Accessory dwelling unit | One for attached and two for detached. (Revised 2/12/18) |

2. INSTITUTIONAL

Use

Number of Parking Spaces Per Unit of Measure

- | | | |
|----|--|--|
| a. | Churches or temples | One for each three seats in the main unit for worship. |
| b. | Hospitals | One for each bed. |
| c. | Nursing, convalescent homes | One for each four beds. |
| d. | Clinics | Four for each doctor, plus one for each employee. |
| e. | Elementary and junior high schools | One for each teacher, administrator or other employee, in addition to the requirements of the auditorium. |
| f. | Senior High Schools | One for each teacher, administrator or other employee, and one for each ten students, in addition to the requirements of the auditorium. |
| g. | Auditoriums and theaters | One for three seats, plus one for each two employees. |
| h. | Private clubs, swimming pool clubs, or other similar uses | One for each two members' families or individuals plus as required spaces for each accessory use, such as a restaurant or bar. |
| i. | Golf courses open to the general public, except miniature or "par-3" courses | Four for each one golf hole, plus one for each two employees. |
| j. | Fraternity or sorority | One for each two beds. |
| k. | Stadiums or sports arenas | One for each three seats |

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
l. Nursery or child care centers	One for each 350 square feet of floor area.
m. Libraries, post offices	One for each 800 square feet of floor area, plus one for every four employees.
3. BUSINESS and COMMERCIAL (Revised 4/9/18)	
<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
a. Planned shopping center	One for each 100 square feet of floor area
b. Miniature or “par-3” golf	Three for each one golf hold courses plus one for each employee.
c. Beauty parlor or barber shop	Two for each beauty and/or barber shop chair.
d. Bowling alleys	Four for each alley, plus one for each employee, plus accessory uses.
e. Dance halls, pool and billiard parlors, roller rinks, exhibition halls without fixed seats	One for each two persons allowed within the maximum occupancy as established by fire, building or health codes.
f. Restaurants, cafeterias, taverns, bars	One for each 75 square feet of floor area.
g. Furniture and appliance, household equipment, hardware, repair shops, shoe repair, and other similar uses.	One for each 800 square feet of floor area.
h. Gasoline service station and Vehicle Repair Facilities	One for each service and repair stall, plus one for each worker on each shift.
i. Laundromats and coin operated dry cleaners	One for each two washing or dry-cleaning machines
k. Mortuary establishments	One for each 50 square feet of floor area.
l. Motel, hotel, tourist home	One for each sleeping unit, plus one for each one employee during the largest shift, plus restaurant requirements, if applicable. (Revised 4/9/18)
m. Retail stores, except as otherwise specified herein	One for each 300 square feet of floor area.
n. Motor vehicle sales and service establishments	One for each 200 square feet of floor area of sales room and one for each auto service stall in the service room.
4. OFFICES	
<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
a. Banks, except drive ins	One for each 200 square feet of floor area.
b. Business or professional office, except doctors, dentists, or similar professionals	One for each 200 square feet of floor area.
c. Professional offices of doctors, dentists, or similar professionals	One for each 200 square feet of floor area.

5. DRIVE-INS

Use

- a. Drive-in banks, cleaners, car laundries, and similar businesses
- b. Drive-in restaurants

Number of Parking Spaces Per Unit of Measure

Storage space for five cars between the street right-of-way and the customer service area.
One for each 100 square feet of floor area.

6. INDUSTRIAL

Use

- a. Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices
- b. Warehouses or wholesale establishments, and related accessory offices

Number of Parking Spaces Per Unit of Measure

Five, plus one for each one employee in the largest working shift.
Five, plus one for every one employee in the largest working shift or one for each 1,000 square feet of floor area, whichever is greater.

SECTION 703 OFF-STREET PARKING SITE DEVELOPMENT REQUIREMENTS

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

- 1. No parking lot shall be constructed until a Permit therefore is issued by the Zoning Administrator.
- 2. Before such permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing the location, capacity, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed features essential to the design and construction of the proposed parking facility.
- 3. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

PARKING	MANEUVERING	PARKING (width)	PARKING (length)
0 Degrees (parallel parking)	12 ft.	8 ft.	23 ft.
30 to 50 degrees	12 ft.	8 ft. - 6 in.	20 ft.
54 to 74 degrees	15 ft.	8 ft. - 6 in.	20 ft.
75 to 90 degrees	20 ft.	9 ft.	20 ft.

- 4. All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 5. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land

- zoned for single family residential use.
6. Each entrance and exit to and from any off street parking lot located in an area zoned for other than single family residential use shall be at least 25 feet distant from adjacent property located in any single family residential district.
 7. All off-street parking areas abutting LDR, MDR, HDR, MHC AND RR districts shall be provided with an obscuring fence no less than 4 feet, 6 inches in height. Such fences shall be constructed of materials approved by the Zoning Administrator and shall be durable, weather resistant, and easily maintained.
 8. Except for single family residential lots, all parking areas, including parking spaces and maneuvering lanes, shall be paved with asphalt, bricks, cement or concrete interlocking blocks and shall be graded and drained to dispose of all collected surface water. The Township Planning Commission may waive this requirement if they determine the project is within a primitive area and/or consists of a passive recreational use or a similar low intensity land use.
 9. Except for single family and two family residential lots, all parking areas with a capacity of four or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. All lighting shall be so installed as to be confined within and directed into the parking area only.

SECTION 704 OFF STREET LOADING AND UNLOADING REQUIREMENTS

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated public streets. Such space shall be provided as follows:

1. Loading space required under this Section shall be provided as area additional to the off-street parking space required in Section 703 of this Article and shall not be considered as supplying off-street parking space.
2. There shall be provided adequate space for standing, loading, and unloading services not less than 12 feet in width, 25 feet in length, and 14 feet in height for all uses listed in the following table or for similar uses involving the receipt or distribution by vehicles of materials or merchandise:

Use	Floor Area (square ft.)	Required Space
Commercial uses, such as	First 2,000	none

retail stores, personal services, amusement, auto mobile sales and service	Next 2,000 or fraction thereof Each additional 2,000 or fraction thereof	one space one space
Wholesales and storage, including building and contractor's yards	First 20,000 Each additional 20,000 or fraction thereof	one space one space
Manufacturing or other industrial uses	First 20,000 or fraction thereof Each additional 20,000 or fraction thereof	one space one space
Funeral homes, mortuaries	First 5,000 or fraction thereof Each additional 10,000 or fraction thereof	one space one space
Hospitals	First 10,000 Next 100000 or fraction thereof Each additional 200,000 or fraction thereof	one space one space one space
Offices, hotels	First 2,000 Next 50,000 or fraction thereof Each additional 100,000 or fraction thereof	none one space one space
Schools, clubs, or other public assembly buildings	For each building	one space

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ARTICLE VIII ADMINISTRATION

SECTION 800 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board; provided that the Zoning Administrator shall not be a member of the Township Board, the Planning Commission, nor the Zoning Board of Appeals. The Zoning Administrator shall perform such duties as the Township Board may prescribe, in addition to any duties prescribed in this Ordinance, and it shall be a condition of the appointment that attendance at the meetings of the Planning Commission and the Zoning Board of Appeals be required.

SECTION 801 ELIGIBILITY

The Zoning Administrator shall be generally informed on good construction procedures, on good practice in fire prevention, and the proper installation of safety, health and sanitary facilities. The Zoning Administrator shall be in good health and physically capable of fulfilling the duties. In the case of a conflict of interest, of either individual, subject to the provisions of this Ordinance, the Zoning Administrator will act in fulfilling the provisions of this Ordinance, in the case of conflict of interest involving the Zoning Administrator, the Township Board shall designate some other person to act in fulfilling the provisions of the Ordinance in relation to the specific case.

SECTION 802 DUTIES AND LIMITATIONS OF THE ZONING ADMINISTRATOR (Revised 10/08/18)

1. The Zoning Administrator shall have the power to grant land use permits and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance.

The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal civil infraction citations on behalf of the township in connection with alleged violations of this Ordinance

2. If the proposed excavation, construction, moving, alteration or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a land use permit, however:
 - a. Issuance of a land use permit shall in no case be construed as waiving any provision of this Ordinance.
 - b. The Zoning Administrator is under no circumstances, permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in

- this Ordinance to any person making application to excavate, construct, move, alter, or use either building structures or land.
- c. The Zoning Administrator is under no circumstances, permitted to make changes in this Ordinance or vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.
 - d. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of the effect such permit has on contracts, such as deeds, covenants, or private agreement.
 - e. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.

SECTION 803 LAND USE PERMITS (Revised 6/24/06, 2/8/10, and 12/24/16)

1. It shall be unlawful to begin earth movement, or to begin excavation for the construction, the moving, alteration, or repair, except ordinary repairs of any building or other structure, including an accessory structure exceeding 100 square feet in area, until the Zoning Administrator has issued for such work a land use permit which includes a certification that the plans, specifications, and intended use for such site, building, or structure does, in all respects, conform to the provisions of this Ordinance. Also, it shall be unlawful to change the type of use of land, or to change the type of use, or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use until the Zoning Administrator has issued a land use permit including a certification that the proposed use does, in all respects, conform to the provisions of the Ordinance. **(Revised 6/24/06, 2/8/10, and 12/24/16)**
2. Every application for a land use permit for earth movement, excavation, construction, moving, alteration or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats drawn to scale showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with the provision of this Ordinance. **(Revised 12/24/16)**
 - a. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
 - b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any other buildings or other structures already on the lot.
 - c. The existing and intended use of the lot and of all structures upon it.
 - d. Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this Ordinance are being observed.
3. All land use permit applications shall be made in writing to the Zoning Administrator

on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator.

- a. A land use permit issued under the provisions of this Ordinance shall be valid only for a period of one (1) year following the date of issuance thereof and work to implement the construction authorized in the permit shall begin within said year. During construction, a copy of the land use permit shall be posted on an existing building or lot and in such a manner as to be visible from the highway.
 - b. The exterior portion of any project for which the land use permit has been issued shall be completed within two (2) year from the date issuance of the land use permit. **(Revised 6/21/14)**
4. When the Zoning Administrator receives an application for a land use permit which requires action by the Planning Commission, such application along with all supporting information, shall be conveyed by the Zoning Administrator to the Planning Commission.
- If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.
5. The development or usage proposed by a land use permit may be subject to inspection by Township personnel at any time. Upon completion of all improvements, the Township may inspect the site to evaluate compliance with appeal decisions, conditions of approval, land use and special use approvals, site plan review approvals, temporary permits or other ordinances and regulations, in accord with the provisions of this Ordinance. In all cases, responsibility for full compliance with all appeal decisions, conditions of approval, land use and special use approvals, site plan review approvals, temporary permits or other ordinances and regulations shall rest with the applicant. **(Revised 2/22/14)**

SECTION 804 DISTRIBUTION OF LAND USE PERMITS

Each land use permit shall be issued and the copies shall be distributed as follows:

1. To the applicant who shall retain same until construction is completed;
2. To the Zoning Administrator who shall retain same as a part of the permanent records of the Township.

SECTION 805 DENIAL OF PERMIT

The Zoning Administrator shall promptly inform the applicant of the denial of a land use permit if, in his opinion, such planned building or structure or land use does not comply with the provisions of this Ordinance.

SECTION 806 FEES (Revised 10/30/07)

1. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
 - a. Zoning permits.
 - b. Special use permits.
 - c. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - d. Classification of unlisted property uses.
 - e. Requests for variances from the Zoning Board of Appeals.
 - f. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board, or the Planning Commission shall not be subject to a zoning fee.
 - g. Site plan reviews.
 - h. Requests for a planned unit development (PUD).
 - i. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are refundable in part or in their entirety subject to the deduction of any expenses incurred by the township up to the point in time when the application is withdrawn by the applicant. If the applicant withdraws the application at a convened hearing before any commission or board of the township, all the basic zoning fees shall be retained by the township.
2. If the Planning and Zoning Staff determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning and Zoning Staff determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning and Zoning Staff equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these

additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning and Zoning Staff may require the applicant to deposit additional fees into escrow in an amount determined by the Planning and Zoning Staff to be equal to the estimated costs to complete the review or decide the appeal.

Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

SECTION 807 COMPENSATION

Compensation for the Zoning Administrator shall be established by the Township Board.

SECTION 808 APPEARANCE TICKETS (Revised 10/8/18)

The Zoning Administrator or other administrative official charged with enforcement of this Ordinance is hereby authorized to issue and serve appearance tickets with respect to all misdemeanor violations of the East Bay Township Zoning Ordinance, as amended, and may issue and serve upon a person an appearance ticket if he or she has reasonable cause to believe that the person has committed an offense. The Zoning Administrator may utilize the services of the Grand Traverse County Sheriff's Office when issuing and serving tickets.

As authorized by Public Act 366 of 1984, as amended, all said appearance tickets shall be issued and processed in accordance with the Statutes of the State of Michigan, as amended.

SECTION 809 PLANNING COMMISSION (Revised 8/10/09, 10/17/09)

1. Scope, Purpose and Intent. This ordinance is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance. The purpose of this ordinance is
 - a. To provide that the East Bay Charter Township Board confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the East Bay Township Planning Commission

formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.,

- b. To establish the appointments, terms, and membership of the Planning Commission;
 - c. To identify the officers and the minimum number of meetings per year of the Planning Commission; and
 - d. To prescribe the authority, powers and duties of the Planning Commission.
2. Establishment. The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the East Bay Charter Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The East Bay Township Planning Commission shall have 7 members. Members of the East Bay Charter Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.
3. Appointments, Terms and Qualifications and Ex Officio Member
- a. Appointments. The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member. The Planning Commission members, other than an ex officio member, shall serve for terms of 3 years each. A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
 - b. Qualifications. Planning commission members shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.
 - c. Ex Officio Member. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall

expire with his or her term on the Township Board. No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

4. **Removal.** The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
5. **Compensation.** The Planning Commission members may be compensated for their services as provided by Township Board resolution.
6. **Officers and Committees.** The Planning Commission shall elect a chairperson, vice-chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the Planning Commission bylaws. The Planning Commission may also appoint advisory committees whose members may include members of the Planning Commission and others that are not members of the Planning Commission.
7. **Bylaws, Meetings and Records.** The Planning Commission shall adopt bylaws for the transaction of business and which shall provide for regular meetings. The Planning Commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings. Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.
8. **Annual Report.** The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.
9. **Authority to Make Master Plan.** Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the township's planning jurisdiction. Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission

unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

10. Zoning Authority. All powers, duties, and responsibilities provided for Zoning Boards or Zoning Commissions by the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., or other applicable zoning statutes are transferred to the East Bay Township Planning Commission. All powers, duties and responsibilities provided for the Planning Commission under the East Bay Charter Township Zoning Ordinance are hereby explicitly granted to the East Bay Charter Township Planning Commission
11. Capital Improvements Program. To further the desirable future development of the Township under the master plan, the Planning Commission shall prepare and recommend to the Township Board, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period.
12. Subdivision and Land Division Recommendations. All powers, duties and responsibilities provided for the Planning Commission in the East Bay Charter Township Subdivision Control Ordinance, being Ordinance 80-105Z, are hereby explicitly granted to the East Bay Charter Township Planning Commission.
13. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the East Bay Township Planning Commission under the Township Planning Act (being Act 168 of 1959) are hereby repealed.

SECTIONS 810 – 819 RESERVED

SECTION 820 SITE PLAN REVIEW

1. INTENT: The intent of this section is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish objectives in the utilization of land within the regulations of the Ordinance, with minimum adverse effect on the land, shore, highways, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this ordinance.
2. DEFINITION: A site plan includes the documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.
3. SCOPE: When site plan review is required by another section of this Ordinance, the Zoning Administrator shall not issue a land use permit for construction of any use, other than single family or two family homes on individual lots, until a site plan, submitted in accordance with this section shall have been reviewed and approved by the Planning Commission.

4. **OPTIONAL SKETCH PLAN REVIEW:** Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Planning Commission, to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:
 - a. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 - b. Legal description, property parcel number, and street address of the subject parcel of land.
 - c. Sketch plans showing tentative site and development plans.
 - d. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and the applicant shall sign an affidavit acknowledging the advisory nature of the sketch plan review process. **(Revised 4/21/07)**
5. **APPLICATION PROCEDURE:** Request for site plan review shall be made by filing with the Zoning Administrator the following:
 - a. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
 - b. One copy of the completed application form for site plan review which shall contain as a minimum the following information:
 - 1) Name and address of applicant.
 - 2) Legal description, property parcel number and street address of the subject parcel of property.
 - 3) Area of the subject parcel of property stated in acres or, if less than one (1) acre, in square feet.
 - 4) Present zoning classification on parcel.
 - 5) Present and proposed land use.
 - 6) Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volume.
 - c. Sixteen copies of the proposed site plan, which shall include and illustrate at a minimum the following information, unless waived by the Zoning Administrator as clearly inapplicable to the site under consideration. **(Revised 6/24/06)**

- 1) A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer.
- 2) Property parcel number (from the Assessment Roll of the Township).
- 3) Topography of the site and its relationship to adjoining land.
- 4) Itemization of existing man-made features.
- 5) Dimensions of setbacks.
- 6) Locations, heights and sizes of structures and other important features.
- 7) Percentage of land covered by buildings and that reserved for open space.
- 8) Dwelling unit density where pertinent.
- 9) Location of public and private rights-of-way and easements contiguous to and within the proposed development, which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
- 10) Curb-cuts, driving lanes, parking and loading areas.
- 11) Location and type of drainage, sanitary sewers, storm sewers and other facilities.
- 12) Location and nature of fences, landscaping and screening.
- 13) Proposed earth changes.
- 14) Signs and on-site illumination.
- 15) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
- 16) The site plan shall include a written landscape plan prepared in accord with Section 229 of this Zoning Ordinance.

6. ACTION ON APPLICATION AND PLANS: **(Revised 4/21/07)**

- a. Upon receipt of the completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit seven (7) copies thereof to each of the Planning Commissioners; one (1) copy to the Fire Department when necessary, one (1) copy to other area review agencies, when applicable and retaining one (1) copy in the Zoning Office.
- b. For a site plan to construct a building on a lot approved as part of an industrial park, the Zoning Administrator shall review the site plan in accordance with the criteria specified in this ordinance and also shall obtain review and comment from all applicable Township departments, County and State commissions and agencies. If the Zoning Administrator determines that a site plan to construct a building on a lot approved as part of an industrial park meets all requirements of

this ordinance, subsections c, d, and e, hereof shall not apply and the Zoning Administrator shall reject, approve or conditionally approve the site plan, as it pertains to the requirements and standards contained in the Zoning Ordinance. The Zoning Administrator shall report all administratively approved site plans to the Planning Commission at their next regularly scheduled meeting.

- c. A hearing shall be scheduled by the Chairman of the Planning Commission for a review of the application, plans, and of the recommendation of the Township Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be held within forty-five (45) days of the date of the receipt of the plans and completed application.
 - d. The applicant and adjoining property owners to the subject property, shall be notified of the date, time and place of the hearing on the application not less than three (3) days prior to such date.
 - e. After conducting a public hearing, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in the zoning ordinance. Any conditions required by the Planning Commission shall be stated writing and shown on the site plan, together with the reasons and delivered to the applicant. Decisions by the Planning Commission shall be made within one hundred (100) days of the receipt of the completed application.
 - f. A site plan approved or conditionally approved by the Planning Commission shall contain a condition that the landscape plan submitted and approved under Section 820.5, c, (16) shall require a performance guarantee pursuant to Section 830 of this Ordinance.
 - g. Two copies of the approved Site Plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed by the applicant and the Chairman of the Planning Commission and dated with the date of approval for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.
7. CRITERIA FOR REVIEW: In the process of reviewing a site plan, the Planning Commission shall consider;
- a. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.

- b. That the buildings structures and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
 - c. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
 - d. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.
 - e. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
 - f. That all buildings and structures are accessible to emergency vehicles.
 - g. That a plan for erosion control, storm water discharge, has been approved by the appropriate public agency.
 - h. The relationship to shore and stream preservation principles where appropriate.
 - i. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.
8. APPROVED SITE PLANS: A Site Plan shall be approved if it contains the information required by, and is in compliance with the Zoning Ordinance, the conditions, imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Two copies of the approved site plan and any supporting documents shall be stamped by the Zoning Administrator as Approved or Approved with Conditions, dated, and signed by the Chairman or Secretary of the Planning Commission and the Applicant. One copy of the stamped and approved site plan shall be kept on file by the Township and the other copy shall be retained by the Applicant. **(Revised 4/21/07)**
9. CONFORMITY TO APPROVED SITE PLANS: Property which is the subject of site

plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of this Ordinance.

10. TERMS OF APPROVAL OF THE SITE PLAN, DURATION, TERMINATION AND EXTENSION. (Revised 8/10/09)

- a. An approved site plan shall be valid for a period of two (2) years after the date of approval. Upon written request stating the reasons therefore, the Planning Commission shall extend a site plan for an additional one (1) year period if the evidence shows the following:
 - 1) The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - 2) The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
 - 3) Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
 - 4) There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
- b. An application for an extension of a site plan must be filed at least 60 (sixty) days prior to the expiration of the original site plan or the expiration of any extension previously approved by the township, whichever is applicable. The application form for requesting an extension shall be provided by the township and can be obtained from the township zoning administrator or deputy zoning administrator. An application fee for an extension is required and shall be non-refundable. The Township Board shall by resolution, establish the amount of the application fee for the renewal. The renewal is only applicable to the property subject to the originally approved site plan.
- c. If a site plan expires pursuant to subsection a above, no work pursuant to a site plan may be undertaken until a new site plan is obtained from the Planning Commission following the procedures contained in the zoning ordinance for a new site plan.

- d. Any site plan approved for an extension is subject to reasonable conditions established by the Planning Commission including, if necessary, the implementation of a new or additional performance guarantee requirement pursuant to section 830 of the East Bay Township Zoning Ordinance. Appeals of a decision by the Planning Commission to either extend or not extend an approved site plan and land use permit may be taken to the Zoning Board of Appeals in the same manner with regard to site plan approval decisions as provided in subsection 12 of this section 820.
11. **AMENDMENT TO THE SITE PLAN:** No changes shall be made to an approved Site Plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures;
- a. Minor changes to an approved Site Plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficway, landscaping and building size up to ten (10) percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting. **(Revised 4/21/07)**
 - b. Major changes or amendments to an approved Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation or of a building, and increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved.
12. **APPEALS:** With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

SECTIONS 821 – 829 RESERVED

SECTION 830 PERFORMANCE GUARANTEE REQUIREMENTS

1. In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and health, safety and welfare of the residents of East Bay Township, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Planning Commission or Zoning Board of Appeals, may require the applicant to obtain a performance

guarantee as set forth herein. The purpose of the performance guarantee is to:
(Revised 8/10/09)

- a. Insure compliance with the Zoning Ordinance by completion of improvements connected with the proposed development as required by this Ordinance, including, but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls and landscaping; and/or
 - b. Insure compliance with all conditions place on the approved land use; and/or
 - c. Restore the land to its condition prior to the approval of the variance, land use permit, special land use permit or special land use permit authorizing a PUD in the discretion of the Township if the approved land use is not completed.
2. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit subject to the call of the Township in the Township's exclusive discretion in the amount of the value of the improvements or construction permitted or called for in the variance, land use permit, special land use permit or special land use permit authorizing a PUD as determined by the township and verified by the East Bay Township Office of Planning and Zoning.
(Revised 8/10/09)
3. In the event a performance guarantee is required, the applicant shall also furnish such authorization as is required by the Township to permit the Township to enter upon the subject property to complete the improvements in the event of default by the applicant.
4. By accepting a variance, land use permit, special land use permit or special land use permit authorizing a PUD, the applicant/land owner irrevocably authorizes the Township to enter upon the subject property to complete the improvements authorized by the variance, land use permit, special land permit or special land use permit authorizing a PUD or to restore the land to its condition prior to the approval of the variance or aforementioned permits in the event of a default by the applicant/land owner under this Ordinance. This authorization expires upon the completion of the improvements pursuant to the terms of the variance, land use permit, special land use permit or special land use permit authorizing a PUD.
(Revised 8/10/09)
5. In the event the performance guarantee deposited is a cash deposit or certified check, East Bay Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposited funds when one-hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the Zoning Ordinance standards and the specifications of the approved site plan.

6. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
7. Default, Performance Guarantee. **(Revised 8/10/09)**
 - a. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by East Bay Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements, at any particular stage of the development or to restore the land to its condition prior to the approved development, through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements or restore the land to its condition prior to the approved development. If the performance guarantee is not sufficient to allow the Township to complete the improvements or restore the land to its condition prior to the approved development for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements or restoring the land to its condition prior to the approved development exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements or restore the land to its condition prior to the approved development, any amounts remaining after said completion shall be applied first to the Township's administrative costs in completing the improvements or restoring the land to its condition prior to the approved development and any balance remaining shall be refunded to the applicant. At the time the performance guarantee is provided to the Township and prior to the issuance of a land use permit, special land use permit or special land use permit authorizing a planned unit development or the extension of any of the aforementioned permits, the applicant and the Township shall enter into a written agreement incorporating the terms and conditions of the aforementioned permits under which the performance guarantee will be applied to the development and/or refunded or cancelled, as applicable. Such contract shall be drafted in a manner acceptable to any financial institution providing the performance guarantee, provided such contract does not materially compromise the ability of the Township to utilize the performance guarantee pursuant to this ordinance. The cost of preparing the agreement shall be borne by the applicant/land owner through the escrow account established at the time the application for a variance, land use permit, special land use permit or special land use permit authorizing a PUD is received.
 - b. An applicant shall not be found to be in default except after a hearing before the planning commission or zoning board of appeals, as applicable and only if the planning commission or zoning board of appeals determines that the applicant

has failed to do the following:

- 1) Complete an improvement or improvements pursuant to the requirements of the variance, land use permit, special land use permit or special land use permit authorizing a PUD, as applicable and any required conditions thereto.
- 2) Conduct meaningful progress for more than one year toward the completion of one or more of the improvements authorized by the variance, land use permit, special land use permit or special land use permit authorizing a PUD. For purposes of this subsection "meaningful progress" means the completion of a major phase of the development, including, by way of example, but not limited to, the completion of the installation of water, sewer, electrical systems, roads inclusive of pavement, curbs, and drainage, soil erosion control measures, and drainage systems inclusive of applicable retention and detention ponds and/or systems.

SECTION 831 HEARING NOTICE PROCEDURES (Revised 8/10/09 and 4/9/18)

1. Where this ordinance requires the Township to provide notice and hearing for any decision or action permitted, authorized or required hereunder, the Township shall publish notice of the hearing in a newspaper of general circulation in the Township.
2. The notice shall be given not less than fifteen (15) days, nor more than thirty (30) days before the date the matter will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall do all of the following: **(Revised 4/9/18)**
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. If the request involves ten (10) or fewer properties, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification shall be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request."
3. If the request involves ten (10) or fewer adjacent properties, or if the request is for a Zoning Board of Appeals interpretation of the Zoning Ordinance or appeal from an administrative decision regarding a specific parcel, the notice shall also be sent by mail or personal delivery to:

- a. The owners of property for which approval is being considered,
 - b. All persons to whom real property is assessed within 300 feet of the property and,
 - c. The occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
4. If any application fee or escrow deposit account required to be paid by the applicant and pertaining to the subject matter of the public hearing, is in arrears at the time of the hearing, the Chairman of the Planning Commission shall so notify those in attendance and the hearing shall be tabled without public comment or action on the request until the next regularly scheduled meeting of the Planning Commission when the Planning Commission has been advised by the Zoning Administrator or Township Treasurer that any arrearage has been corrected.

ARTICLE IX

NUISANCE PER SE: ENFORCEMENT- PENALTIES FOR VIOLATION

SECTION 900 NUISANCE PER SE

Uses of land, dwellings, buildings or structures, including tents and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance or regulations adopted under the authority of this Ordinance, are hereby declared to be a nuisance per se. The attorney for the Township shall, on complaint of the Zoning Administrator or the Planning Commission determine and carry out the legal steps necessary to secure Prosecution or adherence to this Ordinance.

SECTION 901 PENALTIES (Revised 8/9/07 and 10/8/18)

Any person, firm, association, corporation or other entity which shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions imposed by the Board of Appeals or the Planning Commission pursuant to this Ordinance or otherwise pursuant to Michigan law shall, unless such violation has abated, ceased to exist or otherwise been remedied within fifteen (15) days after being provided with written notice of such violation from the Zoning Administrator or other administrative official charged with enforcement of this Ordinance, be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal infraction. Costs of not less than \$9.00 or more than \$500 shall be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

SECTION 902 CIVIL FINES FOR MUNICIPAL INFRACTIONS (Revised 8/9/07)

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule:

	<u>Fine</u>
1st violation within 3-year period	\$100.00
2nd violation within 3-year period	\$250.00
3rd violation within 3-year period	\$500.00
4th or subsequent violation within 3-year period	\$1,000.00

ARTICLE X ZONING BOARD OF APPEALS

SECTION 1000 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by Sections 601 through 701, of the said Act, as amended, and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured. **(Revised 4/6/07)**

SECTION 1001 MEMBERSHIP, TERMS OF OFFICE

The Zoning Board of Appeals shall consist of five members appointed by the Township Board. The first member of such board shall be a member of the Planning Commission. The remaining members of the Board shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Zoning Board of Appeals. The total amount allowed the Zoning Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

The term of each member shall be for three years, except that of the members first appointment, two shall serve for two years and the remaining members for three years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 1002 MEETINGS AND POWERS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Chairman or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The

Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.

SECTION 1003 DUTIES, RULES, HEARING AND DECISIONS OF APPEALS, RIGHT TO AND GROUNDS OF APPEAL (Revised 10/8/18)

The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures, sitting as such a Zoning Board of Appeals. It shall also hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of Zoning Administrator or other administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County, or State. The grounds of every determination shall be stated.

SECTION 1004 TIME TO AND NOTICE OF APPEAL: TRANSMISSION OF RECORD

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

SECTION 1005 STAY OF PROCEEDINGS PENDING APPEAL

An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The Zoning Board of Appeals or the Circuit Court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.

SECTION 1006 HEARINGS AND NOTICES; RIGHT TO BE HEARD; DISPOSITION OF APPEALS; DECISION NOT FINAL

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof as required by **Section 831**, Hearing Notice Procedures, of this

ordinance to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the Zoning Board of Appeals shall have the Power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court. (Revised 4/6/07)

SECTION 1007 DUTIES AND POWERS

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

1. REVIEW: The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provision of this Ordinance. Such review authority shall be limited to decisions made by the Zoning Administrator, or designated official (such as the Township Supervisor) but shall not extend to decisions by the Planning Commission, the Zoning Board of Appeals, or the Township Board.
2. INTERPRETATION: The Zoning Board of Appeals shall have the power to:
 - a. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts.
 - c. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district, except as provided herein, so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. In the Local Business (LB), Regional Business (RB) and Professional Office (PO) districts, a classification of a use not specifically mentioned as part of this Zoning Ordinance shall be made by the Planning Commission.
3. VARIANCES: The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one of the Specific Conditions** set forth herein can be satisfied.

- a. Basic Conditions: The Board shall find that a variance request meets all of the following conditions.
- 1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - 2) The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
 - 3) The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
 - 4) The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - 5) The requested variance shall relate only to property that is under control of the applicant.
 - 6) The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
 - 7) There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
- b. Special Conditions: When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** of the following special conditions can be clearly demonstrated:
- 1) Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.
 - 2) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
 - 3) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- c. Rules: The following rules shall be applied in the granting of variances:
- 1) The Board may specify, in writing, such conditions regarding the character,

location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

- 2) Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a Township Land Use Permit within one year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.
 - 3) No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this ordinance.
4. TEMPORARY AND CONDITIONAL PERMITS. The Board may issue either temporary or conditional Permits as special exceptions for the following land and structure uses.
- a. Temporary Permits: For temporary uses and temporary structures, partial structures including garage and basement dwellings, subject to the following procedures and limitations.
 - 1) An application for a permit for the erection or movement of a temporary structure for dwelling purposes shall be made to the Board on a special form used exclusively for that purpose.
 - 2) A temporary permit shall not be granted unless the Board finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the Grand Traverse County Health Department and any other regulatory agencies with jurisdiction in the matter.
 - 3) The Board may impose any reasonable conditions in addition to the district

requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.

- 4) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed 12 months.
- b. Conditional Permits: When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Board. The land or structure use may be permitted to be established and to continue in use as long as the conditions unique to the use exist. The permit may be canceled when the conditions upon which the permit was issued cease to exist. The permit issued shall contain all the specified conditions under which continued use may be allowed.

SECTION 1008 ESSENTIAL SERVICES

The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than permitted in the district for a public utility building, structure or use if the Board shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service.

SECTION 1009 PERFORMANCE GUARANTEE FOR COMPLIANCE

In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Township Zoning Board of Appeals may require that a performance guarantee be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance or permit and to insure the discontinuance of a temporary use by a stipulated time. Such performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit, at the discretion of the Zoning Board of Appeals.

ARTICLE XI AMENDMENTS

SECTION 1100 PROCEDURE ON AMENDMENTS

Any person affected by this Ordinance may submit a petition in writing to the secretary of the Planning Commission requesting that consideration be given to amendments to this Ordinance in the particulars set forth in the petition. The Planning Commission shall hold a meeting to consider said petition and shall notify the petitioner and other affected parties as required by **Section 831**, Hearing Notice Procedures, of this ordinance. **(Revised 4/6/07)**

**ARTICLE XII
(RESERVED)**

ARTICLE XIII
VALIDITY

SECTION 1300 - VALIDITY

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

ARTICLE XIV DEFINITIONS

SECTION 1400 RULES APPLYING TO THE TEXT

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

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word "person" includes a corporation or firm as well as an individual.
3. The word "building" includes the word "structure."
4. The word "lot" includes the words "plot," "tract" or "parcel."
5. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
7. Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization

SECTION 1401 DEFINITIONS

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

SECTION 1402 A

ACCESS: A way or means of approach to provide year-round automobile and pedestrian ingress and egress to a property or lake. (rev. 2/27/05)

ACCESSORY BUILDING AND USE: A subordinate building located on the same lot as the main building, the use of which is naturally and normally incidental to the main use of the premises. A detached private garage shall be considered an accessory building.

ACCESSORY BUILDING, MINOR: An Accessory Building as defined herein with a gross floor area of one hundred (100) square feet or less, as determined by factory or kit specifications or literature, or as measured pursuant to this ordinance, if such specifications are not available; and a height not to exceed twelve (12) feet. An Accessory Building that exceeds either one hundred (100) square feet in area or twelve (12) feet in height shall not be considered a Minor Accessory Building. (Rev. 2/8/10).

ACCESSORY DWELLING UNITS: Means a subordinate habitable dwelling unit that provides complete independent living facilities for one person or a family and which is situated on the same parcel as the principal single-family dwelling. Accessory dwelling

units may also be referred to as an accessory apartment, accessory cottage, carriage house, granny flat, or a mother-in-law apartment. (Revised 2/12/18)

ACCESSORY USES: Whenever an activity (which may or may not be separately listed as a principal use) is conducted in conjunction with another principal use and the former use; (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

ADULT ARCADE: means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images for any form of consideration to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas (as those terms are defined elsewhere herein).

ADULT BOOKSTORE or ADULT VIDEO STORE: means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or,
2. Instruments, devices, or paraphernalia which are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and may still be categorized as Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

ADULT BUSINESS: means and includes any of the following (all as defined elsewhere in this Section of the Ordinance): Adult Arcade, Adult Bookstore, Adult Video Store, Adult Cabarets, Adult Motels, Adult Motion Picture Theaters, Adult Panoramas, Adult Theaters, Escort Agency, Nude Model Studios; and Sexual Encounter Centers.

ADULT CABARET: means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of semi-nudity or nudity;
2. Live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

3. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT FOSTER CARE HOMES: Pursuant to Act 218 of the Public Acts of 1979 as amended: means a governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult Foster Care Homes shall not include nursing homes.*

ADULT MOTEL: means a hotel, motel or similar commercial establishment which:

1. Circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions,
2. Offers a sleeping room for rent for a pre-designated period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

ADULT MOTION PICTURE THEATER: means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

ADULT PANORAMA: An establishment having a substantial or significant portion of its business devoted to an entertainment use where patrons view in individual viewing booths, films, tapes or live entertainment showing specified sexual activities or specified anatomical areas.

ADULT THEATER: means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

AGRICULTURAL SERVICE ESTABLISHMENT: Engaging in performing agricultural,

* Adult Foster Care Homes are regulated by the Department of Social Services under three licenses; 6 or less capacity, 7 to 12 capacity, and 13 to 20 capacity. 6 or less capacity is considered a single family dwelling and are allowed to exist in any residential district. 7 or more capacity establishments are considered a commercial use.

animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; and facilities used in the research and testing of farm products and techniques.

AIRPORT, PUBLIC AND PRIVATE:

1. A Public Airport is a facility designed for the take-off, landing, and storage of small aircraft which is which is required to be licensed by the Michigan Aeronautics Commission, along with related accessory uses, such as, charter service, flying lessons, sale of fuel, mechanics, terminal buildings, and hanger facilities, which are available to the public.
2. A Private Airport is an airport which is not available to the public, and not shown on aeronautical charts, not licensed by the Michigan Aeronautic Commission, and which does not offer charter flight service, the sale of gasoline or oil, student instruction, flying lessons, aviation maintenance services or other commercial services to the public.

ALLEY: A public or private right-of-way less than 22 feet wide that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage is on some other street. **(Revised 4/24/11)**

ALTERNATIVE TOWER STRUCTURE - means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANNOTATED APPLICATION:

ANTENNA - means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

ANTIQUÉ STORE: See Neighborhood Local Business. **(Revised 4/24/20)**

APPLIANCE, REPAIR AND SALES: See Neighborhood Local Business. **(Revised 4/24/11)**

ARCHITECTURE, DESIGN & ENGINEERING: The office of a member of a recognized profession maintained for the conduct of business in architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession. **(Revised 4/24/11)**

AUTOMOBILE REPAIR FACILITIES: See Vehicle Repair Facilities

SECTION 1403 B (Revised 6/12/17)

BACKHAUL NETWORK - means the lines that connect a provider's towers/cell sites to one

or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BAKERY OR CONFECTIONERY SHOP: An establishment primarily engaged in the retail sale of baked products and related merchandise, generally for consumption or use off site. **(Revised 4/24/11)**

BANK: Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, credit unions, loan companies, and investment companies. **(Revised 4/24/11)**

BED AND BREAKFAST - Bed and Breakfast establishments are a private residence that offers sleeping accommodations to tourists and is the innkeeper's personal residence.

BILLBOARD: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

BLUFFLINE: For the purposes of this Ordinance the bluffline shall be 581 foot U.S. Geological Survey (USGS) Datum Elevation on Grand Traverse Bay.

BOAT: Means every description of water craft used or capable of being used as a means of transportation on water. (reference; vessel definition from the Marine Safety Act P.A. 303 of 1967, as amended, Compiled Laws Annotated, 281.1008).

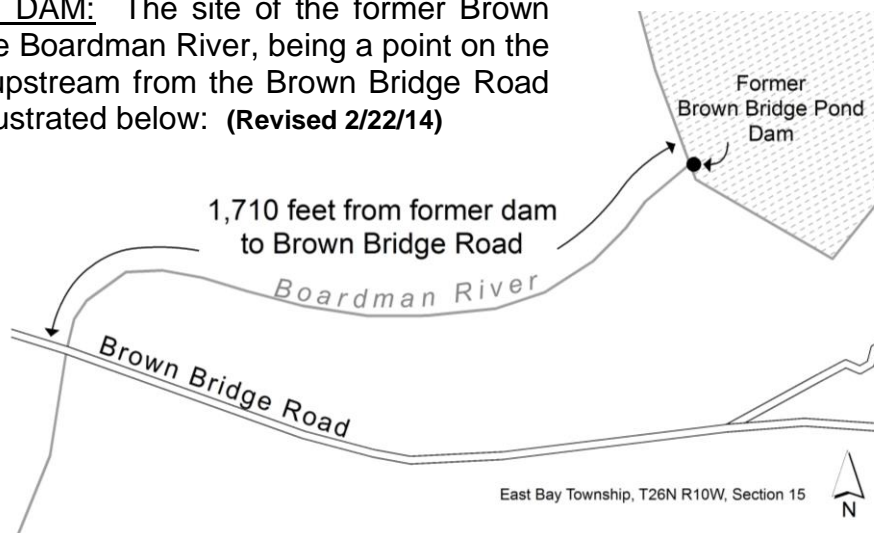
BOAT ACCESS: Shall mean and include boat launching, mooring and docking, and over night anchoring within 50 feet of the shore from or incidental to a single private riparian property, public or private road end abutting an inland lake, and/or a public or private multi-boat access site.

BOAT ACCESS SITE FOR MULTIPLE BOATS: Shall mean a facility which extends into or over a lake, or provides dry-docking space, for mooring or docking of boats for use during the boating season. A facility for the mooring or docking of a boat or boats owned and operated exclusively by a single family residing in one family unit shall not be included within the definition and meaning of multi-boat access site where the docking or mooring facility is property which is owned exclusively by such family and which is a contiguous part of the property on which the dwelling is situated.

BOAT, MOTOR SALES AND REPAIR. Establishments offering for sale to the public new and used boats, motors, recreational vehicles, campers, "fifth wheels," and related equipment and providing service and repair of such equipment and vehicles.

BOOK STORE: See Neighborhood Local Business. **(Revised 4/24/11)**

BROWN BRIDGE DAM: The site of the former Brown Bridge Dam on the Boardman River, being a point on the River 1,710 feet upstream from the Brown Bridge Road right-of-way, as illustrated below: **(Revised 2/22/14)**



BED AND BREAKFAST: A Bed and Breakfast means a single-family residential structure which includes sleeping quarter occupied by the innkeeper and has 10 or fewer guest rooms, one or more guest rooms which are available for rent to transient tenants, and may serve meals at no extra cost to its transient tenants. The innkeeper or his or her spouse must be the property owner(s) and innkeeper must be living onsite when rooms are to be let to transient tenants. **(Revised 2/10/20)**

BUILDING: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. **(Revised 4/24/11)**

BUILDING FOOTPRINT The area enclosed by the exterior perimeter of a building where it meets the earth together with the area located beneath any building projections.

(Revised 12/28/15)

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUNGALO COURT/COTTAGE CLUSTER: A group of detached or semi-detached, one or two-family dwelling situated around a shared central courtyard or garden and which are used for non-transient housing **(Revised 6/12/17)**

SECTION 1404 C

CABIN COURT: A development consisting of one or more freestanding structures intended and equipped to be occupied as a temporary residence typically for transient, seasonal or tourist uses. A unit in a cabin court shall not be considered a dwelling under this ordinance unless it meets all the standards of the ordinance pertaining to unit and parcel area, parcel size and residential density. **(Revised 5/18/10)**

CAMPS AND CAMPGROUNDS: An area or establishment intended to contain temporary or permanent buildings, tents, recreational vehicles such as motor homes or camper trailers, or other structures established or maintained as temporary living quarters, usually operated during the summer for recreation, religious, education, or vacation purposes. **(Revised 10/13/08)**

CAR WASH. A building and equipment used for the commercial washing, waxing, detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated and hand wash facilities, as well as any combination thereof.

CEMETERIES. Privately owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.

CENTRAL SEWER SYSTEM: A sewer system designed to East Bay Township's specifications and approved by the appropriate health department that provides service, or which will provide service to all structures within a specific development.

CENTRAL WATER SYSTEM: A water system designed to East Bay Township's specifications and approved by the appropriate health department that provides service, or which will provide service to all structures within a specific development.

CIVIC CLUB: Buildings and facilities owned or operated by a corporation, association person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit. **(Revised 4/24/11)**

CLINIC: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a physician or a group of physicians practicing medicine, osteopathy, dentistry, or chiropractic.

COMMERCIAL AGRICULTURE: See Farm. **(Revised 4/24/11)**

COMMERCIAL ESTABLISHMENT WITH DRIVE THROUGH: A commercial business or establishment, other than a Car Wash as defined herein, which offers any goods or services dispensed through a window, doorway or opening of any kind to patrons that remain in their personal vehicles while the transaction is taking place.

COMMERCIAL RECREATION, SKIING AND GOLF: A commercial recreation business that provides downhill skiing and a variety of other seasonal activities on its property including tubing golf, ice skating, mountain biking, disc golf, and similar outdoor sports activities. **(Revised 2/10/20)**

COMPREHENSIVE PLAN: The Comprehensive Plan of East Bay Township as amended from time to time, prepared in accord with Act 168 of the Public Acts of 1959, as amended.

CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978).

CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967 (P.A. 288 of 1967, as amended) but is subject to the requirements of the Condominium Act, Act 59 of 1978, as amended.

CONDOMINIUM SUBDIVISION PLAN: The drawings attached to the master deed for a

condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

CONDOMINIUM UNIT: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot". for purposes of determining compliance of a condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

CONSTRUCTION EQUIPMENT SALES AND SERVICE. Buildings and outdoor storage areas associated with the operation of a business storing and marketing materials and equipment to the general public and to construction companies, including the outdoor storage of equipment, vehicles, trailers, materials and machinery.

CONVENIENCE STORE, EXCLUDING FUEL SERVICE: See Neighborhood Local Business. (Revised 4/24/11)

CONVENIENCE STORE, INCLUDING FUEL SERVICE: A small retail establishment usually located within or associated with another use that offers for sale automobile fuel and lubricants as well as convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods. (Revised 4/24/11)

CREMATORIUM: A building housing cremation chamber(s) where mechanical, thermal, or other dissolution processes are used to reduce human remains to bone fragments, which are then processed and pulverized into pieces that are usually no more than one-eighth inch. In some instances, a crematorium may also include administrative offices, mortuary preparation rooms, or cemetery maintenance facilities. (Revised 5/13/19)

SECTION 1405 D (Revised 1/9/17)

DAY CARE CENTER or CHILD CARE CENTER: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a religious organization where children are cared for not more

than 3 hours while persons responsible for the children are attending religious services

DAY CARE, FAMILY FACILITIES ACCOMMODATING UP TO SIX (6) CHILDREN. A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DAY CARE, GROUP FACILITIES ACCOMMODATING SEVEN (7) TO TWELVE (12) CHILDREN. A private home in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DENSITY, MAXIMUM DWELLING UNIT: The maximum number of dwelling units per acre that is allowed based on the total lot area.

DIAMETER BREAST HEIGHT (D.B.H.): A tree's diameter in inches measured by diameter tape at four and one-half (4 ½) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.

DISTRICT: A section or sections of the Township of East Bay for which the zoning regulations governing the use of buildings and premises, the size of yards, and the intensity of use are uniform.

DRIP LINE: An imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

DRUG STORE: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. **(Revised 4/24/11)**

DUMPSTER: A container used for the temporary storage of rubbish or materials to be recycled pending collection, having capacity of at least one cubic yard. **(Revised 1/8/08)**

DWELLING: Any structure or portion thereof which is designed for the use exclusively for residential purposes containing one or more dwelling units.

DWELLING, MULTIPLE: A dwelling or group of dwellings on one lot used or designed to contain separate living units for three (3) or more families, including triplex units, apartment houses, cooperatives, garden apartments, and condominiums.

DWELLING, SINGLE FAMILY: A detached building containing one dwelling unit and designed for, or occupied by, only one family.

DWELLING UNIT: A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping,

sanitation, cooking, and eating purposes.

SECTION 1406 E

EDUCATION FACILITIES. Any buildings, facilities, grounds or portions thereof, routinely used for education or instruction in any branch of knowledge.

ESCORT: means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: means a person or business association who furnishes, offers to furnish, or advertises to furnish Escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESSENTIAL SERVICE FACILITY: Buildings, grounds and equipment associated with the provision to the public of natural gas, electricity, potable water, wastewater conveyance and treatment, stormwater conveyance and treatment, telephone, cable television, broadband digital communication and related services.

ESSENTIAL SERVICE FACILITY, MAJOR: Any essential service facility as defined herein that is not a routine essential service facility.

ESSENTIAL SERVICE FACILITY, ROUTINE: An essential service facility as defined herein which is not typically regarded as imposing on, or detrimental to, neighboring property; including, but not limited to:

1. Underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone, and cable television and broadband distribution lines and associated structures, transformers, switches and utility boxes that are designed to serve primarily East Bay Township and any adjacent community, subject to any franchise agreement with the Township.
2. Above ground utility facilities and equipment buildings or cabinets that occupy no more than 200 square feet and are no more than twelve (12) feet in height.
3. Overhead pole-mounted electrical, telephone, cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided and designed to primarily serve East Bay Township and any adjacent community, subject to any franchise agreement with the Township, and providing the height above grade of such facilities does not exceed fifty (50) feet.

SECTION 1407 F

FAA - means the Federal Aviation Administration.

FCC - means the Federal Communications Commission

FABRICATION AND ASSEMBLY: Buildings, structures and premises used for combining

parts into finished products and/or sub-assembly components for subsequent finishing on- or off-site and for the packaging, shipping and receiving of such products. (Revised 4/24/11)

FAMILY: One or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging or hotel.

FARM: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. (Revised 4/24/11)

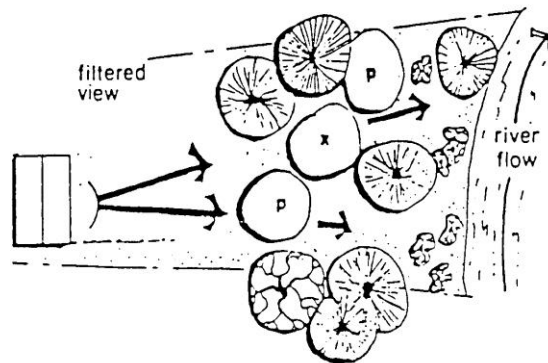
FARM ANIMALS: Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

FARM BUILDING: Any building or accessory structure other than a farm or a non-farm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and or milkhouse.

FARM OPERATION: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

FARM PRODUCTS: Those plants and animals useful to man and including, but not limited to: forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

FILTERED VIEW OF THE WATER: The maintenance or establishment of woody vegetation of sufficient density to screen development from a river, lake or stream, to provide for bank stabilization and erosion control, to serve as an aid in filtration of surface runoff, and to provide cover to shade the water. Vegetation need not be so dense as to completely block the view of the water, but shall not include clear cutting.



FITNESS CENTER: A fitness center shall include any establishment open to the public that offers aerobics, free weights, weight-lifting equipment, tanning, stationary bicycling, massage therapy, sports facilities, pools, personal trainers, an indoor running track, saunas, health food, yoga, spinning, martial arts, and other similar facilities and activities related to personal or team athletics, exercise, fitness, health and relaxation.

FOOT CANDLE: A measurement of light at an illuminated object equivalent to the amount of light a candle generates at one foot. **(Revised 4/24/11)**

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

FLORAL SHOP: See Neighborhood Local Business. **(Revised 4/24/11)**

SECTION 1408 G

GASOLINE STATION: Any building, structure or land used for the dispensing, servicing, sale or offering for sale at retail, of any automobile fuels, oils, or accessories. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the use shall be classified as an Automobile Repair Facility.

GARAGE, PRIVATE: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of noncommercial motor vehicles and residential tools and equipment owned and used by the occupants of the building to which it is accessory.

GIFT AND SOUVENIR SHOP: See Neighborhood Local Business. **(Revised 4/24/11)**

GOLF COURSES AND RELATED ACCESSORY USES: A tract of land laid out for at least nine holes for playing the game of golf, improved with tees, greens, fairways, and hazards such as water and sand traps, and which may include such accessory uses as a pro shop, clubhouse, driving range, practice greens and service buildings. **(Revised 4/24/11)**

GRADE: The median level of the finished surface of the ground adjacent to the exterior walls of the building, determined by subtracting the lowest elevation point from the highest, dividing the result by 2 and adding the resulting quotient to the lowest point.

GRAVEL PITS AND OTHER MINERAL EXTRACTION. A parcel of land utilized for the removal or extraction of natural mineral deposits, soil, and organic soils by open pit mining methods.

GREENHOUSE: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers, trees, shrubbery or other vegetation and kept for personal enjoyment or sold at wholesale. **(Revised 1/8/08)**

GROCERY STORE, WITHOUT GAS PUMP: See Neighborhood Local Business.
(Revised 4/24/11)

SECTION 1409 H

HARDWARE STORE: A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

(Revised 4/24/11)

HAZARDOUS SUBSTANCES AND POLLUTING MATERIALS: Shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources; hazardous substances as defined by the U.S. Environmental Protection Agency; and hazardous materials as defined by the U.S. Department of Transportation.

HEIGHT: means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

HOME OCCUPATION: An incidental and secondary use of a dwelling and/or an accessory building on a residential lot for business purposes. A Bed and Breakfast Establishment is not a home occupation. **(Revised 4/24/11)**

HOTEL or MOTEL: A building, or group of buildings in which lodging or boarding are provided. As such, it is open to the public as distinguished from a boarding house, lodging house or an apartment.

SECTION 1410 I

IMPROVEMENTS: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

SECTION 1411 J

JEWELRY STORE: See Neighborhood Local Business. **(Revised 4/24/11)**

SECTION 1412 K

KEEPING OF HORSES. The care, boarding, riding and related uses of horses and ponies owned by, and for the exclusive recreational use of, the residents of the parcel without any commercial activities such as breeding, training, show activities, veterinary care, boarding for a fee of the horses of other, or related activities.

KENNELS & ANIMAL CLINIC: Buildings and premises in which three or more dogs, cats or other domesticated animals more than six months in age are boarded or trained or provided veterinary treatment for remuneration. **(Revised 4/24/11)**

KEYHOLE: "Keyhole" development (also known as "funnel" development) is the use of a waterfront lot as common open space for waterfront access for a larger development located away from the waterfront.

SECTION 1413 L

LABORATORIES: A facility for scientific research and analysis of natural resources, medical resources, and/or manufactured materials. This may include analysis of air, water, and soil; medical or veterinary blood, tissue, or other human or animal products or forensic analysis of evidence in support of legal action. (Revised 4/24/11)

LAKE OR INLAND LAKE: shall also include other water bodies, including rivers and streams.

LANDSCAPED OPEN SPACE: means that area which will be changed, rearranged, or added to the original vegetation or scenery of the lot using native and indigenous vegetation to produce an aesthetic effect appropriate for the use to which the land is developed. It includes reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. It includes vegetative ground cover and woody vegetation. It does not include driveways and parking lots, or sidewalks connected to structures, but it may include permanent parking lot planters installed within parking areas.

LAUNDROMAT: A commercial establishment that provides washing, drying, and/or ironing equipment and facilities for hire to be used by patrons on the premises. (Revised 1/27/14)

LAUNDRY AND DRY CLEANING ESTABLISHMENT. A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.

LODGING HOUSE: A building other than a hotel where lodging only is provided for three or more but not more than twenty persons.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings and the open space required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

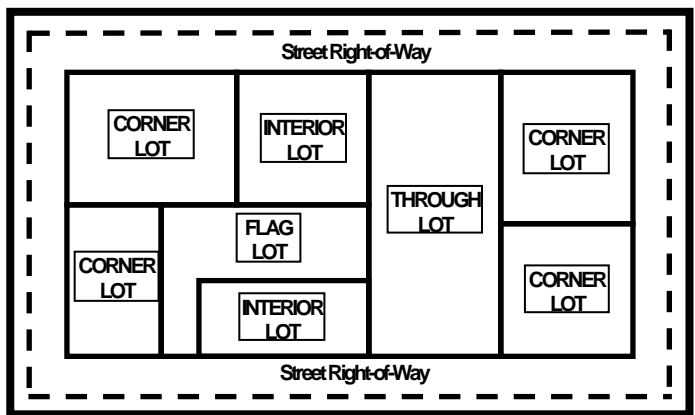
LOT AREA: The total area within the boundaries of the lot, excluding any road rights-of-way or access easements.

LOT, CORNER: A lot adjacent to two or more streets at their intersection.

LOT, FLAG: A parcel of land separated from a road right-of-way by another parcel and may be accessed through an easement.

LOT, FRONT OF: That lot line which is (or contains) the road line of the principal road or right-of-way providing access to the lot.

LOT, INTERIOR: A lot with frontage on one



road and abutted by other lots.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Grand Traverse County; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Grand Traverse County, such recording shall be the effective date of this Ordinance or prior thereto.

LOT THROUGH: A lot that fronts on two parallel roads or that fronts on two roads that do not intersect at the boundaries of the lot. Also known as a “double frontage lot.”

LOT, WIDTH OF FRONTAGE: The frontage width, is measured along the front lot line and is a straight line connecting the two points where the front lot line intersects the two adjacent side lot lines.

LOT, WIDTH OF MINIMUM: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front and rear lot lines, especially on irregularly shaped lots.

SECTION 1414 M

MANUFACTURED HOUSING: See “Mobile Home.”

MANUFACTURED HOUSING COMMUNITY: See “Mobile Home Park.”

MANUFACTURING AND PROCESSING: Product assembling, blending or mixing, where raw materials or previously processed components or manufactured parts produced off-site are fitted together into a complete product or subassembly. May include product packaging, storage and shipping activities. **(Revised 4/24/11)**

MARIHUANA. A controlled substance as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106. **(Revised 4/24/11)**

MARINAS AND USES INCIDENTAL THERETO: Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travelift services, slip rental, limited retail goods, gasoline, sanitary pump-out service and food and drink. **(Revised 4/24/11)**

MASTER DEED: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by the reference the approved bylaws for the condominium subdivision plan.

MASTER PLAN: See Comprehensive Plan

MINI-WAREHOUSE, SELF STORAGE. A building or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.

MOBILE HOME: As used herein the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year round living as a single family dwelling. Provided, however, that the term "Mobile

Home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

MOBILE HOME PARK: An area where three or more mobile homes are parked or intended to be parked, designed or intended to be used as living facilities for one or more families.

MORTUARY, FUNERAL PARLOR. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith prior to burial or cremation.

MOTEL: See Hotel.

SECTION 1415 N

NEIGHBORHOOD LOCAL BUSINESS. Retail uses, offices, and personal or professional service businesses intended to primarily serve the immediate neighborhood, supplemented by an ancillary amount of patronage by other than residents of the immediate areas. Uses may include, but not be limited to the following:

- o Grocery/Convenience
- o Card and gift shops
- o Barber/Beauty shops
- o Floral shops
- o Art and Framing shops
- o Small appliance repair
- o Banks, Credit Union
- o Video rental
- o Insurance, real estate offices, medical and dental offices
- o Drug stores
- o Clothing stores
- o Tanning/Fitness
- o Home decorating
- o Photographer
- o Restaurant (without drive-through)
- o Auto fuel and service
- o Pet Shops
- o Car wash
- o Uses similar to the above in terms of their impact on surrounding properties and local traffic.

NONCONFORMING STRUCTURE: A building or structure lawfully existing as of September 25, 1976 or a subsequent amendment to this ordinance that does not conform to area, height and placement regulations of this Ordinance for the zoning District in which it is located.

NONCONFORMING USE: Any building or land lawfully occupied by a use as of September 25, 1976 or a subsequent amendment to this ordinance which does not conform after the passage of this Ordinance or amendment thereto with the use requirements of the district which it is situated.

NUDE MODEL STUDIO: means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

NURSERY: An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building. **(Revised 1/8/08)**

NURSING HOME: As pursuant to Act 368 of the Public Acts of 1978 as amended: means a nursing care facility, including a county medical care facility, but excludes a hospital or a facility which provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

SECTION 1416 O

ORDINARY HIGH WATERMARK: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line, encrusted on the banks, shelving, changes in the character of silt, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. **(Revised 12/8/08)**

OUTDOOR STORAGE, LIMITED TO 4 RVS: The exterior storage of not more than four boats, trailers, campers, motor homes, jet skis, snowmobiles, and other recreation vehicles whether owned by the property owner or by others. **(Revised 4/24/11)**

SECTION 1417 P (Revised 11/25/16 and 6/11/18)

PACKAGING, CANNING & BOTTLING: See manufacturing and processing. **(Revised 4/24/11)**

PARKING LOT: A tract of land which is used for the storage of motor vehicles and is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, weeks, or month.

PARKING SPACE: A surfaced area, enclosed in the main building, in an accessory building, or unenclosed, having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for temporary storage of one automobile and connected with a street or alley which affords satisfactory ingress and egress for automobiles.

PARTY, DRUGS AND NOTIONS STORE: See Neighborhood Local Business. **(Revised 4/24/11)**

PERMANENT DOCKS: A structure mounted on piers or pilings over or floating upon the water and permanently anchored and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses. **(Revised 4/24/11)**

PERSONAL SERVICES: A business which offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, tanning and nail salons, massage facilities, garment repair, and other similar establishments. **(Revised 4/24/11)**

PERSONAL WIRELESS SERVICE FACILITIES - are transmitters, antenna structures, antennas, and other types of installations used for the provision of personal wireless

services. They include a broad range of spectrum-based services. All commercial mobile services are also included. Common examples of commercial mobile services are personal communications services (PCS), cellular radio mobile service and paging. They also include accessory equipment and shelters pertaining to the facility.

PLACES OF PUBLIC ASSEMBLY - Places of public assembly shall include theaters, churches and other religious institutions, auditoriums, banquet halls, sports arenas, lecture halls, and other similar facilities intended for entertainment, instruction, worship, sports, or similar activities involving assembled groups of people numbering fifty (50) or more.

- a. **Small Places of Public Assembly.** A place of public assembly shall be considered a small facility if it has either less than (10,000) square feet of gross floor area or total seating capacity of no more than three-hundred (300) in the largest room intended of public assembly. **(Revised 6/11/18)**
- b. **Large Places of Public Assembly.** A place of public assembly shall be considered a large facility if it has either (10,000) square feet or more in gross floor area, total seating capacity of more than three-hundred (300) in the largest room intended for public assembly, or which is designed to be capable of expanding to meet these standards in the future. For the purposes of this paragraph, a capability to meet these standards may be demonstrated by sufficient available land owned by the applicant or an entity associated with the applicant, a building designed to readily accommodate an expansion or a declaration by the applicant of future intent to expand the facility to meet these standards. **(Revised 6/11/18)**

PLANNED UNIT DEVELOPMENT. A planned unit development is intended to accommodate developments with mixed or varied uses, having sites with unusual topography or unique settings within the community, or on land which exhibits difficult and costly development problems.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS - means any tower or antenna for which a land use permit or special land use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired. **(Revised 4/24/11)**

PRIMARY CAREGIVER. A person who is at least 21 years old and who has been registered by State Department of Community Health to assist with a Qualifying Patients' use of medical marihuana. **(Revised 4/24/11)**

PRIMARY CAREGIVER FACILITY. A building in which the activities of a Primary Caregiver as defined in the Michigan Medical Marihuana Act (Initiated Act 1 of 2008) and in this Ordinance are conducted.

PRINCIPAL STRUCTURE (or principal building), A building in which is conducted the principal use of the lot on which it is located. **(Revised 6/24/06)**

PRINCIPAL USE: The primary or predominant use of any parcel. **(Revised 6/24/06)**

PUBLIC ACCESS: Shall mean a multi-boat access site operated by a governmental entity, including access from a public road authorized expressly or impliedly by a governmental entity.

SECTION 1418 Q

QUALIFYING PATIENT. A person who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Community Health as provided by said Act. **(Revised 4/24/11)**

SECTION 1419 R

RECREATIONAL FACILITY: A facility providing quiet personal types of recreation in which customers actively participate, rather than as spectators, and which has been approved as an appropriate and compatible use with the other uses permitted in the zoning district.

RECREATION FACILITY, PUBLIC: A recreational facility available to the public which is owned and operated by the State of Michigan, a political subdivision of the State of Michigan, or the U.S. Government.

RECREATIONAL FACILITY, PRIVATE: A recreational facility available to the public which is privately owned and operated.

RECREATIONAL UNIT: Means a tent, or a vehicular type structure primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit shall include "travel trailers," "camping trailers," "motor home," "truck camper," "slide-in camper," and "chassis-mount camper," as defined in Public Acts 171, Public Acts of 1970, Michigan.

RESEARCH, DEVELOPMENT AND TESTING: An establishment which conducts research, development, or controlled production of electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. **(Revised 4/24/11)**

RESIDENTIAL CLUSTER SUBDIVISION: A subdivision of land which contains one or more clusters of housing.

RESIDENTIAL EQUIVALENT UNIT (REU): Means a habitable dwelling unit used to determine the number of residential benefits which must be purchased to connect to water and sewer services provided by the department of public works. **(revised 2/12/2018)**

RESTAURANT: A commercial establishment where food and beverages are prepared, served, and consumed either on-site or prepared and are delivered or dispensed for drive-in or drive-through consumption. **(Revised 4/24/11)**

RETAIL: The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license. **(Revised 2/8/10)**

RETAIL SALES, LIMITED: The retail sales of goods, wares, or merchandise manufactured, produced, or assembled on site and the retail sales of related products or goods which are clearly incidental and subordinate to the goods, wares, or merchandise manufactured or assembled on site. **(Revised 2/8/10)**

RIPARIAN: Riparian is a term as it is commonly used in law in the Midwest to refer to owners of property abutting a water body, whether it is a lake or a stream. There are four basic attributes of riparian rights. These right belong only to fee simple owners of property abutting a water body:

1. The right of access to navigable water.
2. The right to build a pier out to the line of navigability.
3. The right to accretions.
4. The right to a reasonable use of the water for general purposes such as boating, domestic use and so on.

ROAD: Any existing or planned publicly controlled and dedicated or privately held vehicular access way, used or intended to be used for access to public or private lands and/or for the conveyance of traffic.

ROAD, ACCESS BY EASEMENT-EASEMENT ACCESS: A vehicular access way constructed within a common easement along with the easement, which provides access to lots within a plat or a non-platted subdivisions of metes and bounds described parcels and which provides continuous access for safety services vehicles operating within the Township.

ROAD, COUNTY STANDARDS: The Standards and Specifications for Subdivision Streets as adopted by the Grand Traverse County Road Commission.

ROAD, CUL-DE-SAC: A local road of short length having one end terminated by a vehicular turn-around.

ROAD, HIGHWAY: A right-of-way along with related improvements which provides for vehicular and pedestrian access to abutting properties.

ROAD, LOCAL ACCESS: Local access roads provide access to homes, farms and other low intensity land uses. Traffic desires are local in nature and these roads do not require trip continuity for an extended length.

ROAD, LOCAL: A public road designated a local road by the Grand Traverse County Road Commission which is not part of the County Primary Road System, which is intended primarily for access to abutting properties.

ROAD, MARGINAL ACCESS: A road which is parallel and adjacent to public roads and which provides access to abutting properties and protection from through traffic and not

carrying through traffic.

ROAD, PRIMARY: Those roads of considerable continuity which are designated as primary roads by the Grand Traverse County Road Commission.

ROAD, PUBLIC: A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or Department of Transportation.

ROAD, PRIVATE: A road held in private ownership and dedicated to the use of four or more abutting properties which meets the design and construction standards of this Ordinance.

ROAD, UNREGULATED PRIVATE: A road held in private ownership and contained within and/or abutting not more than three (3) adjoining parcels.

ROAD, PRIVATE SUBDIVISION: Is a private road in a platted or condominium subdivision approved by the Grand Traverse County Road Commission pursuant to the Plat Act (Act 288, P.A. of 1967 as amended)

ROAD, STATE HIGHWAY: State or federal numbered highway.

ROAD, SIGHT DISTANCE: The unobstructed vision on a horizontal plane along a road centerline from a driver-eye height of 3.5 feet and an object height of 6 inches.

ROADSIDE STANDS: A temporary structure which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. **(Revised 4/24/2011)**

SECTION 1420 S

SERVICE DRIVES: A service drive shall be a front or rear interconnection between parcels, and may include the maneuvering lane within a parking lot. A service drive is not a private road.

SEXUAL ENCOUNTER CENTER: means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or,
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SHORE IMPROVEMENTS: Any land form change including grading, filling, clearing or other similar work involving an area of at least 10,000 square feet and located within the Forest Lakes Overlay pursuant to Section 231 hereof. **(Revised 4/24/11)**

SHORE STRUCTURES: Any structure located at the water's edge, including docks, boat lifts, and other similar facilities. **(Revised 4/24/11)**

SHOWROOM FOR OFFICE & BUILDING TRADES: An open structure where products are displayed for sale. **(Revised 4/24/11)**

SIGNS: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or a product which are visible from any public way and used as an outdoor display. **(Revised 4/24/11)**

SIGN, ANIMATED OR MOVING: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation, not including electronic message boards. **(Revised 4/24/2011)**

SIGN, BUILDING MOUNTED. Any sign, as defined herein, which is permanently attached to or mounted upon a building. **(Revised 4/24/11)**

SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project. **(Revised 4/24/11)**

SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.” **(Revised 4/24/11)**

SIGN, ELECTRONIC MESSAGE BOARD: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. **(Revised 4/24/11)**

SIGN, FREE STANDING: Any sign, as defined herein, which is permanently mounted to one or more poles, a monument or other structure separated from a building. **(Revised 4/24/11)**

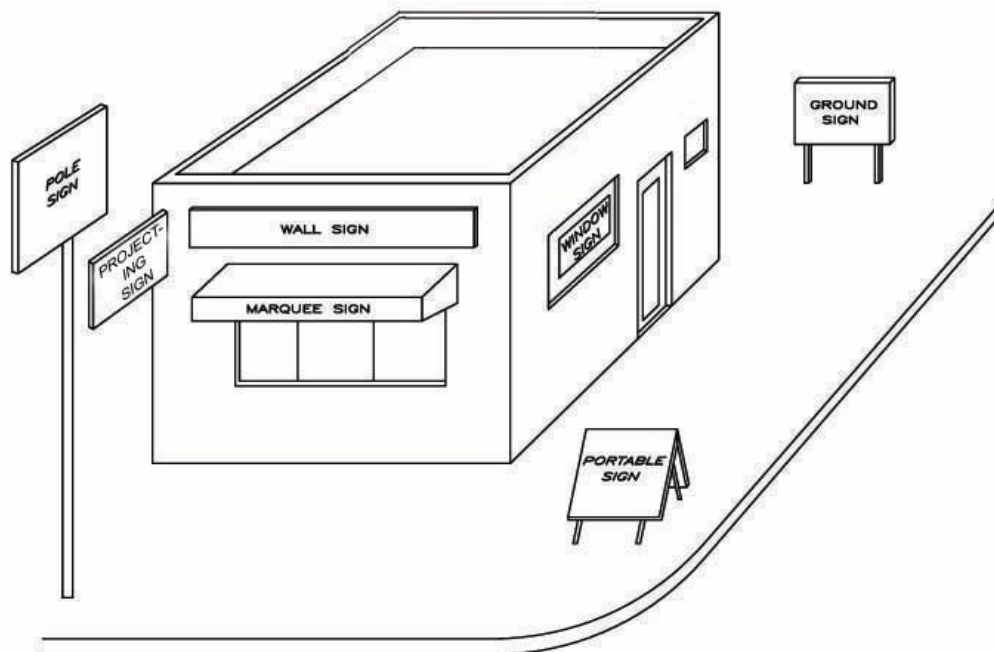
SIGN, GROUND: A free standing sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height. **(Revised 4/24/11)**

SIGN FACE: Each part of a sign structure which is used to graphically communicate a message or announcement including a border space of not less than three (3) inches outside any lettering or other graphic symbols or depictions. **(Revised 4/24/11)**

SIGN, OFF-PREMISE: Any sign, visible from a location off the property, that directs attention to a business, commodity, services or entertainment conducted, offered or sold at a location other than the premises on which the sign is located. **(Revised 4/26/14)**

SIGN, POLE: A free standing sign that is mounted on a pole, column or other support so that the bottom edge of the sign face is six feet or more above grade. **(Revised 4/24/11)**

SIGN, POLITICAL: A sign announcing or supporting political candidates or issues in connection with any national, state, or local election. **(Revised 4/24/11)**



SIGN, PROJECTING: A building mounted sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building. **(Revised 4/24/11)**

SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located. **(Revised 4/24/11)**

SIGNS, TEMPORARY: Signs which have one or more of the following characteristics:

1. Signs not securely affixed to a substantial non-portable structure, signs affixed to portable structures.
2. Signs of paper, cardboard or similar materials.
3. Signs of expected longevity or cost which would not qualify them for depreciation under normal accounting practices or would not have a useful life of more than one year in continuous use.
4. Political Signs. Signs relating to the election of a person to public office or relating to a political party, or to a matter to be voted at a general election called by a public body. **(Revised 4/24/11)**

SIGN, WALL: A building mounted sign fastened to or painted on the wall of a building or structure or to an awning or marquee, in such a manner that the building or its structural elements will become the supporting structure, or forms the background surface of the sign. **(Revised 4/24/11)**

SIGN, WINDOW: A building mounted sign attached to, or in close proximity to, the window

surface so as to be clearly and comprehensively visible from the outside. **(Revised 4/24/11)**

SITE PLAN: A site plan includes the documents and drawings required by this Zoning Ordinance to insure that a proposed land use or activity is in compliance with this ordinance

SPECIFIED ANATOMICAL AREAS: means human genitals including the male genitals in a state of sexual arousal even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or,
4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

STREET: See Road. **(Revised 4/24/11)**

STREET LINE: The outside edge of the pavement on a paved street without curbing or the outside edge of the curb on a street with curbing or the edge of the travel surface on an unpaved road. **(Revised 4/24/11)**

STUDIO FOR PERFORMING AND GRAPHIC ARTS: A facility designed, constructed or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, painting, drama, dance and similar pursuits. **(Revised 4/24/11)**

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground, regardless of whether it may be transportable or capable of being moved. **(Revised 3/4/08)**

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams, joists or girders, not including, however, changes in doors, windows or surfacing materials which affect primarily the appearance of the structure.

SUBDIVISION – ALL TYPES: A land development undertaken pursuant to the terms of the Land Division Act or the Condominium Act. **(Revised 4/24/11)**

SUBDIVISION, PLAT OR CONDOMINIUM – RESIDENTIAL: A subdivision as defined herein intended for residential uses. **(Revised 4/24/11)**

SECTION 1421 T

TAVERN: An establishment used primarily for the serving of liquor, beer and wine to the general public and where food or packaged liquors may be served or sold only as an

accessory to the primary use.

TEMPORARY DOCKS: A structure used as a landing place for boats and other marine transport, fishing, swimming, and other recreational use not permanently attached or anchored and intended to be removed seasonally. (Revised 4/24/11)

TOURIST HOMES: See Lodging Homes.

TOWER - means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes 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.

TOWNSHIP USES. Buildings, facilities and grounds owned or leased by East Bay Township as a part of its normal municipal responsibilities and duties.

SECTION 1422 U

USES SIMILAR TO USES PERMITTED BY RIGHT: Land uses which, in the judgment of the Zoning Administrator are sufficiently similar to defined and permitted uses within the district to be treated in a manner similar to such uses. (Revised 4/24/11)

SECTION 1423 V

VIDEO STORE: See Neighborhood Local Business. (Revised 4/24/11)

VEHICLE REPAIR FACILITY: A building, structure or parcel of land, or any portion thereof, used for the diagnosing, repairing, cleaning, equipping and/or painting of motor vehicles.

SECTION 1424 W

WALKWAYS, ELEVATED, OPEN OR ENCLOSED: Pedestrian walkways or corridors connecting buildings and/or land uses located and attached above grade sufficiently to allow an open view to Grand Traverse Bay or other scenic features. (Revised 4/24/11)

WAREHOUSING, PRODUCTS PRODUCED ON PREMISES: The use of a portion of a structure or grounds for storage or repackaging of goods, wares, raw materials, parts or other materials produced or prepared on the premises. (Revised 4/24/11)

WEARING APPAREL, ACCESSORY & SHOE STORE: See Neighborhood Local Business. (Revised 4/24/11)

WETLAND, REGULATED: As defined in Act 451 of the Public Acts of 1994, as amended, a regulated wetland shall mean 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 and which is any of the following:

1. Located within one thousand (1,000) feet of Grand Traverse Bay, or
2. Connected to or located within five hundred (500) feet of an inland lake or pond, or a river or stream.

WIND ENERGY CONVERSION SYSTEM (WECS): Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment. **(Revised 1/8/08)**

WIND ENERGY CONVERSION SYSTEM (WECS), SMALL: A Wind Energy Conversion System designed and used for the primary purpose of on-site consumption of electrical energy and not for electrical generation for resale. **(Revised 1/8/08)**

SECTION 1425 X Reserved

SECTION 1426 Y

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the foundation wall of the principal structure shall be used. **(Revised 6/24/06)**

YARD, FRONT: A yard extending across the front of the lot between the side lot lines and located between the building and the front lot line.

YARD, REAR: A yard extending across the rear of the lot between the side lines and located between the building and the rear lot line.

YARD, SIDE: A yard between the main building and the side lot line.

SECTION 1427 Z Reserved

ARTICLE XV
EFFECTIVE DATE

SECTION 1500 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following publication of a notice of adoption in a newspaper of general circulation in the township.

ARTICLE XVI
REPEAL OF EAST BAY TOWNSHIP ZONING ORDINANCE
OF SEPTEMBER 25, 1976

SECTION 1600 REPEALER

The East Bay Township Zoning Ordinance of September 25, 1976, including amendments and additions thereto, is hereby repealed as of the effective date of this Ordinance.