

**ZONING AMENDMENT 11-09**  
**LIMITED RETAIL IN INDUSTRIAL**

Glen Lile, Supervisor  
Susanne M. Courtade, Clerk  
Tracey Bartlett, Treasurer



Matt Courtade, Trustee  
Bryan Marrow, Trustee  
Dale McAllister, Trustee  
Leroy "Butch" Strait, Trustee

### Notice to the Residents of East Bay Township

Please take notice that the East Bay Charter Township Planning Commission will hold a public hearing at a regular meeting on Tuesday, November 10, 2009 at 6:30 pm., in the Township Hall at 1965 Three Mile Road, Traverse City, Michigan, for the purpose of considering the following amendments to the East Bay Charter Township Zoning Ordinance:

Section 303 - Table of Uses; Section 415 Industrial District; Article VI Special Land Uses; and Article XIV Definitions, of the East Bay Charter Township Zoning Ordinance are to be amended to permit limited retailing activity within the industrial district and industrial parks to be treated as a special land use, subject to the requirements of Article VI.

Copies of the proposed Zoning Ordinance amendments and the existing Zoning Ordinance are available for public viewing during regular business hours at the Office of Planning and Zoning, Township Hall, 1965 Three Mile Road, Traverse City, Michigan. Written Comments will be received until the night of the hearing.


If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the Township Clerk by calling at (231) 947-8647 as soon as possible.

Robb Tubbs, Chairman  
East Bay Charter Township  
Planning Commission

Leslie Couturier  
Office of Planning and Zoning  
(231) 947-8681

MEMORANDUM

**TO:** Planning Commission  
East Bay Charter Township

**FROM:** Jay Kilpatrick, AICP 

**DATE:** October 28, 2009

**RE:** Zoning Ordinance Adjustments for Limited Retail in Industrial Areas

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This memo and the attached amendment are in response to the September 8, 2009 letter from Kent Rabish and Dave Prevo requesting an amendment of the Zoning Ordinance to allow restricted retail sales of products manufactured or wholesaled on the same premises within the Industrial Zoning District. The attached amendment has been adjusted in accordance with the Planning Commission discussion at the October meeting and is scheduled for public hearing at the November meeting.

**Proposed Amendments.** The attached amendment is consistent with the draft discussed in October, with a couple exceptions:

- ◆ The hours of operation have been restricted to the lesser of 10:00AM to 7:00PM, or the hours of manufacturing.
- ◆ The maximum floor area to be used is defined as 10% of the “floor area” but not more than 1,000 square feet. In the draft, we used the terms “usable floor area” which is imprecise and undefined.
- ◆ Finally, as suggested by the Township Attorney, both of the new definitions will be placed in Section 1419 - “R”.

**Recommendation:** Following the public hearing, it is recommended that the Planning Commission approve the proposed amendment and recommend it to the Township Board for adoption.

c: Leslie Couturier, Zoning Administrator

East Bay Charter Township  
Grand Traverse County  
Ordinance # 11-09

AN ORDINANCE TO AMEND SECTION 303, LAND USE TABLE; SECTION 415, 1 AND 415, 3, INDUSTRIAL DISTRICT; ARTICLE VI SPECIFIC STANDARDS AND REQUIREMENTS FOR SPECIAL LAND USES; AND SECTION 1419 DEFINITIONS - R, OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE.

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

1. Section 303, Land Use Table, is hereby amended to add a listing in alphabetical order for "Limited Retail Sales" as a "SLU" in the column representing the Industrial District.
2. Section 415, 1, Special Land Uses is hereby amended to add the following listing to the Special Land Uses in the Industrial District:
  - ◆ Limited Retail Sales
3. Section 415, 3, is hereby amended to read as follows:
  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 structure, subject to the provisions of Section 603.
    - b. Personal wireless communication facilities, subject to the provisions of Section 634.
    - c. Fitness Centers, subject to the provisions of Section 623.
    - d. Limited Retail Sales, subject to Section 639.
    - e. Planned Unit Developments, subject to the provisions of Section 637.
    - f. Vehicle Repair Facilities, subject to Section 638.
4. Article VI Specific Standards and Requirements for Special Land Uses, is hereby amended to add the following Section 639:

**SECTION 639**

**LIMITED RETAIL SALES**

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 be the lesser of
  - 1) 10:00 AM to 7:00 PM, or
  - 2) the hours of manufacturing, assembly or production hours within the same structure.
- 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.

5. Section 1419, Definitions - R, is hereby amended to add the following defined terms in alphabetical order:

RETAIL: The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

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.

6. **Severability.**

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

7. **Effective Date.**

This Ordinance shall become effective eight (8) days after publication.

*CHARTER TOWNSHIP OF EAST BAY*

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Glen Lile, Supervisor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Susanne M. Courtade, Clerk

Published Date: \_\_\_\_\_, 2009

Effective Date: \_\_\_\_\_, 2009