

East Bay Charter Township

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**GRAND TRAVERSE COUNTY PLANNING COMMISSION
MASTER PLAN/ZONING REVIEW**

TOWNSHIP: East Bay Charter Township
AMENDMENT #: 04-08
DATE RECEIVED: 10-9-08
PUBLIC HEARING: 10-17-08
PRELIMINARY REVIEW:

MASTER PLAN:
ZONING ORDINANCE
TEXT **MAP**
MAP ATTACHED
PUBLIC HEARING MINUTES:

CHANGE: Amend township zoning ordinance to include Forest Lake Overlay district

TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:

Approval

COUNTY PLANNING STAFF COMMENTS:

The proposed text amendment to the East Bay Charter Township Zoning Ordinance proposes an overlay district for the Forest Lakes area of the Township, including Arbutus, Spider, Rennie, High, Chandler, Vandervoight, Indian, Perch, Spring, George, Tibbets and Bass Lakes. The Overlay will be applied within 500 feet of any lake in the Forest Lakes area. Any development of two or more residential units will require a topographic survey, tree inventory, environmental assessment and landscape plan. Development standards are provided to review each development proposal. The intent of the Overlay is to protect the fragile natural features of the lakes area.

Staff recommends concurrence with the East Bay Township Planning Commission for the amendment to the East Bay Charter Township Zoning Ordinance for the Forest Lakes Overlay District.

COUNTY PLANNING COMMISSION ACTION:

The County Planning Commission, at their October 21, 2008 meeting, concurred with the township planning commission recommendation of approval. Further, they noted the township may want to reconsider the wording on page 2, first paragraph, #5, and eliminate the word "lots" in the second line.

RETURNED TO TOWNSHIP (DATE/RECOMMENDATION): 10-21-08

CLERK **PLANNING COMMISSION CHAIRPERSON** **LOCAL PLANNER**

TOWNSHIP BOARD (DATE/ACTION): _____

EFFECTIVE DATE: _____ **PUBLISHED:** _____

Notice to the Residents of East Bay Township

Please take notice that the East Bay Charter Township Board of Trustees will hold a public hearing at a regular meeting on Monday, December 8, 2008 at 6:30 pm., in the Township Hall at 1965 Three Mile Road N. , Traverse City, Michigan, for the purpose of considering the following amendments to the East Bay Charter Township Zoning Ordinance:

Article 2, General Provisions, will be amended to add a new Section 231 creating the Forest Lakes Overlay District. The district standards will apply to properties within 500 feet 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. It will provide standards for special land uses, site plan and site development standards. Complementary and implementing standards will be added to Section 303; 405, 1; 405, 2; 405, 7; 407, 1; 407, 2; 407,5 and a new definition is added to Section 1416 to define the term Ordinary High Watermark.

Copies of the proposed Zoning Ordinance amendment, the existing Zoning Ordinance and Comprehensive Plan 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.

Glen Lile, Supervisor

Susanne M. Courtade, Clerk

Published: Friday, November 19, 2008

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Record Eagle: Please publish this notice once on Friday, November 19, 2008. Thanks!

Notice to the Residents of East Bay Township

Please take notice that the East Bay Charter Township Board of Trustees will hold a public hearing at a regular meeting on Monday, November 10, 2008 at 6:30 pm., in the Township Hall at 1965 Three Mile Road N. , Traverse City, Michigan, for the purpose of considering the following amendments to the East Bay Charter Township Zoning Ordinance:

Article 2, General Provisions, will be amended to add a new Section 231 creating the Forest Lakes Overlay District. The district standards will apply to properties within 500 feet of Arbutus Lake, Spider Lake, Rennie Lake, High Lake, Chandler Lake, Vandervoigt Lake, Indian Lake, Perch Lake, Spring Lake, George Lake, Tibbets Lake, and Bass Lake. It will provide standards for special land uses, site plan and site development standards. Complementary and implementing standards will be added to Section 303; 405, 1; 405, 2; 405, 7; 407, 1; 407, 2; 407,5 and a new definition is added to Section 1416 to define the term Ordinary High Watermark.

Copies of the proposed Zoning Ordinance amendment, the existing Zoning Ordinance and Comprehensive Plan 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.

Glen Lile, Supervisor

Susanne M. Courtade, Clerk


Published: Saturday, November 1, 2008

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Record Eagle: Please publish this notice once on Saturday, November 1, 2008. Thanks!

MEMORANDUM

TO: East Bay Charter Township Board

FROM: Jay Kilpatrick, AICP 

DATE: October 30, 2008

RE: Forest Lakes Overlay, Zoning Ordinance Amendment – County Comments

This memo recommends adoption of the proposed amendment to the Zoning Ordinance to establish overlay standards intended to help protect surface water quality in the Forest Lakes area of the Township.

Following the public hearing held by the Planning Commission on October 7, 2008, the Planning Commission recommended approval of the amendment to the Township Board. In accord with Section 307 of the Michigan Zoning Enabling Act, the proposed amendment was referred to the County Planning Commission for its review and comment and on October 21st, the County Planning Commission reviewed the draft and, with one suggestion, recommended approval.

The County Planning Commission noted that the language of Subparagraph 231, 5, may create some confusion. That section is intended to conform to the footnote added to the Land Use Table at Section 303, and to sections 405, 2, c and 407, 2, c. The intent of these provisions is to limit the applicability of the more stringent overlay requirements to new subdivisions and site condos of two or more units or lots. However, in reading it, the County Planning Commission interpreted it to apply to a single home that might be sited on two or more lots. This is not the intent, but I understand how it might be read that way. The County Planning Commission suggested that the word "lots" be eliminated from the second line of Paragraph 5. However, that would effectively prevent it being applied to a subdivision of two or more lots which would undermine the entire effort.

Alternatively, I suggest that Subparagraph 5 be revised to parallel the language in 405, 2, c and 407, 2, c which, I believe, makes it clear that it applies to subdivisions and site condos. It would be revised to read as follows:

"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, ~~any development which includes two (2) or more residential units, lots or condominium units,~~ or any special land use, within the overlay area as described in Section 231, 2, shall include:"

East Bay Charter Township Board

October 30, 2007

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The Township Board could either ignore the recommendation of the County or make the change outlined above. If the change is included in the draft, I believe the Board may do so without additional public hearing. Alternatively, of course, the Board could refer this to the Planning Commission for further discussion, but since this is essentially a minor clarification, this would seem unnecessary.

Recommendation. It is recommended that the Township Board adopt the attached amendment to the Zoning Ordinance establishing the Forest Lakes Overlay district, with the above amended language.

c: Leslie Couturier
Zoning Administrator

AN ORDINANCE TO AMEND ARTICLE 2 GENERAL PROVISIONS, ARTICLE 3 ZONING DISTRICTS, USES TABLE AND MAP, SECTIONS 405 AND 407 OF ARTICLE 4, OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE.

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

1. Section 231 shall be hereby added, as follows:

Section 231 – FOREST LAKES OVERLAY DISTRICT

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 lands in the Township meeting both of the following requirements:
 1. 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
 2. 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

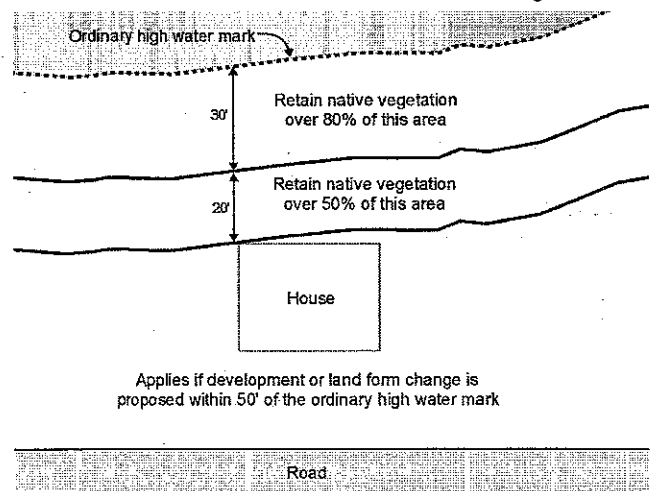
how the proposed development will meet the goals of the community as they are expressed in the Comprehensive Plan, this ordinance and, specifically, this Overlay District. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. 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
 - (c) 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.
 - (d) 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.

- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) A description of the anticipated traffic to be generated by the proposed use.
- (m) A description of plans and timetable for site restoration after construction.
- (n) A description of methods to handle sanitary waste for the project both during construction and after completion.
- (o) 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.
- (p) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.
- (q) 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 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 erodable soils, as defined in the Grand Traverse County Soil Survey. Development on moderately erodable soils slopes of up to 79% shall conform to the requirements of the Stormwater Control Ordinance.
- c. Filter and Buffer Strips. For any new development or sites where development or land form change is proposed within fifty feet of the ordinary high water mark, natural native vegetation must be retained or reestablished over 80% of the area extending 30 feet inland from the ordinary high water mark 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.



- 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.
1. 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.
 2. f. Shoreline Structures. Any permitted new accessory structure, such as accessory buildings, stairways, docks, decks or other man-made structure, 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, boathouses, 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.
2. **Section 303, Table 3-1, final page, Uses Permitted by Right and Special Land Use Permit, is revised to read as follows:**

SECTION 303 LAND USE TABLE

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)

| USES | LDR | MDR | HDR | MHC | RR | LB | VC | RB | PO | IND | AG | LA | BR | NA |
|--|-----|-----|-----|-----|----|----|----|----|----|-----|----|------|----|------|
| Subdivision, Plat or Condominium - Residential | R | R | R | R | R | | | | | | R | R/S' | R | R/S' |
| Subdivision - Cluster, Plat or Condominium - Residential | R | R | R | R | R | | | | | | R | R | R | R |
| Subdivision, Plat or Condominium - Commercial | | | | | | R | | R | | | | | | |
| Subdivision - Cluster, Plat or Condominium - Commercial | | | | | | R | | R | | | | | | |
| Subdivision, Plat or Condominium - Industrial | | | | | | | | | | R | | | | |
| Subdivision - Cluster, Plat or Condominium - Industrial | | | | | | | | | | R | | | | |
| Subdivision, Plat or Condominium - Office | | | | | | | | | R | | | | | |
| Temporary Docks | | | | | | | | | | | | R | R | |
| Township Uses | SLU | | | | | | R | | | | | R | | |
| Uses Similar to Uses Permitted by Right | | | | | | R | | R | | | | | | |
| Utility Sub-Stations | | | | | | | | | | | | R | | |
| Vehicle Repair Facilities | | | | | | | | | | | | | | SLU |
| Video Store | | | | | | R | | R | | | | | | |
| Walkways, elevated, open or enclosed | | | | | | | | R | | | | | | |
| Warehousing, products produced on premises | | | | | | | | | | | | | | R |
| Wearing Apparel, Accessory & Shoe Store | | | | | | R | | R | | | | | | |

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.

3. Section 405, 1 List of Permitted Uses shall be amended to read as follows:

| 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 |
| ◆ Cabin Courts |
| ◆ Camps and Campgrounds |
| ◆ Dwelling, detached single family* |
| ◆ 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 |
| * 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 |

4. Section 405, 2, c, shall be amended to read as follows:

- 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.

5. Section 405 shall be amended is amended to add the following subparagraph 7, as follows:

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.

6. Section 407, 1, Listing of Permitted Uses is amended to read as follows:

| 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 structure * |
| ◆ Dwelling, detached single family * |
| ◆ 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 |

7. Section 407, 2, c, shall be amended to read as follows:

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.

8. Section 407 is amended to add the following subparagraph 5, as follows:

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.

9. Section 1416 is amended to add the following defined term:

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.

10. 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.

11. Effective Date.

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

CHARTER TOWNSHIP OF EAST BAY

Date: _____

By: _____
Glen Lile, Supervisor

Date: _____

By: _____
Susanne M. Courtade, Clerk

Published Date: _____, 2008

Effective Date: _____, 2008