


East Bay Charter Township

8

MEMORANDUM

TO: Township Board
East Bay Charter Township

FROM: Jay Kilpatrick, AICP, PCP 

DATE: December 30, 2008

RE: Lot Area and Density Conformity Zoning Ordinance Amendment

At its November 18, 2008 meeting, the Planning Commission held a public hearing and recommended adoption of the attached Zoning Ordinance amendment. The county Planning Commission has reviewed the proposed amendment and recommends it, as well. This amendment would provide better conformity between the permitted residential density established in the Master Plan and the Zoning Ordinance minimum lot area standards in the MDR and HDR districts.

“Density” refers to the number of dwelling units permitted per acre and it is a useful way to think about the nature of a particular residential land use area. Higher densities can mean smaller lots and (normally) a greater rate of return per acre for the developer. An underlying assumption in the utility ordinance (Ordinance #109) is that higher residential density permitted inside the growth boundary would incentivize utility extensions. However, the discussion regarding the effect of Ordinance #109 on utility extensions revealed that the permitted density outlined in the Zoning Ordinance is actually not achievable in single-family detached developments because of lot area minimums.

Essentially, the 12,000 square foot minimum lot area in the LDR, MDR and HDR districts means that no more than 3 dwelling units per acre can be achieved in any single-family detached project. This is consistent with the density standards for LDR, but it falls short of the 5 units per acre permitted in MDR and the 8 units per acre permitted in HDR. Of course, higher densities are possible in multi-family developments, but these may not be as desirable in the marketplace.

The recommended amendment establishes a sliding scale for minimum lot area in MDR and HDR (see attached map) that begins with a reduced lot area for the first unit and increases with the number of units on the parcel. For the MDR district, it would start at an 8,000 square foot lot and in the HDR district it would start with a 5,500 square foot lot for single-family detached units. Additional units in multiple family dwellings (i.e., two unit or larger) would require proportionately larger lots. So that each additional unit in MDR would require an additional 7,500 square feet of lot area and each additional unit in HDR would require an additional 4,800 square feet, up to the maximum density.

Thus, in the MDR district, a single unit could go on an 8,000 square foot lot, which is a modest-sized suburban lot. A two-unit building would require a 15,500 square foot lot, a three unit building would require a 23,000 square foot lot, and so forth. In the HDR district, a single unit could go on a 5,500 square foot lot. This would be about the area of an urban lot, or a double-wide site in a manufactured housing community. A two-unit building would require a 10,300 square foot lot, a three unit building would require a 15,100 square foot lot, etc.

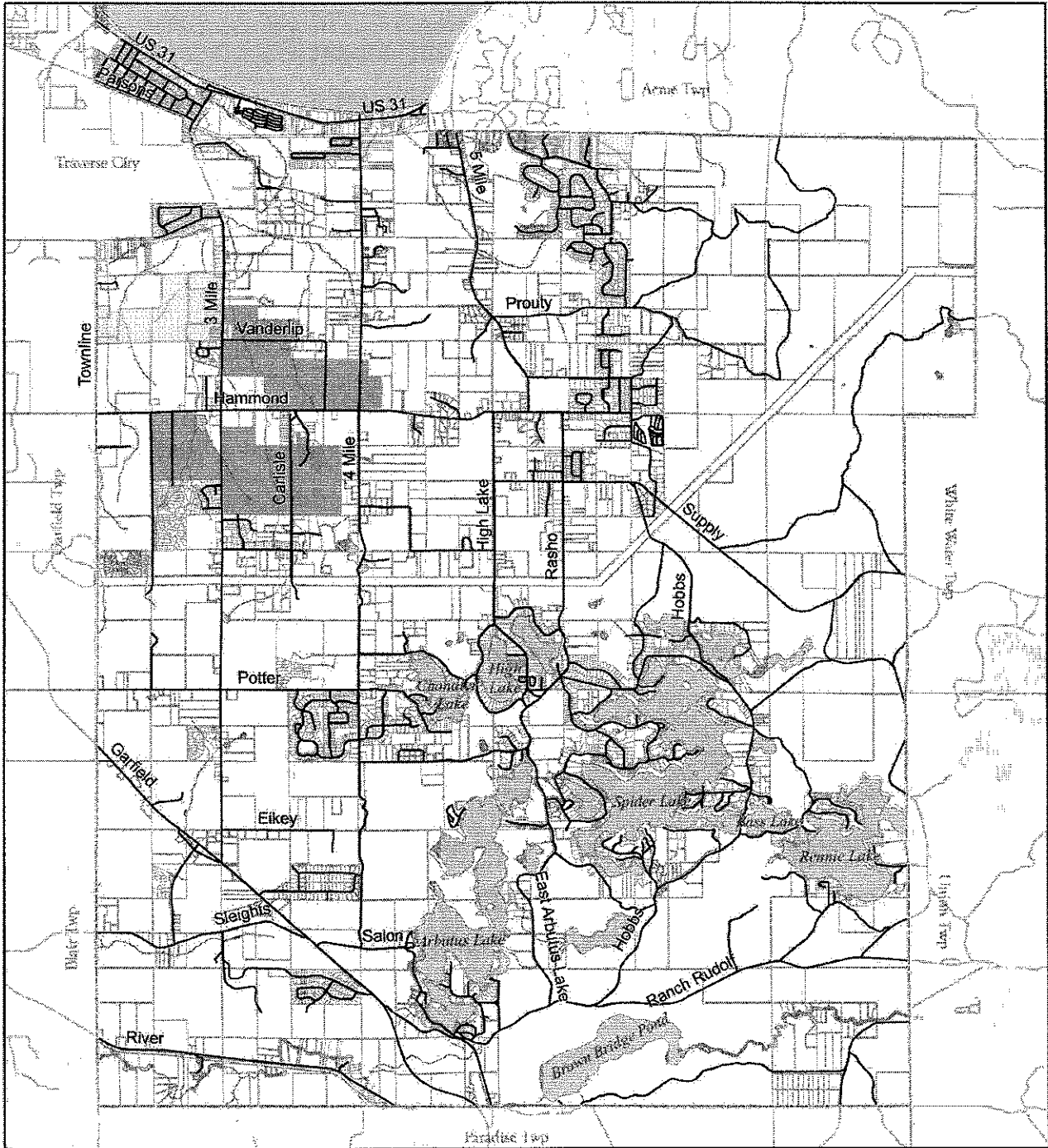
A 40-acre parcel in MDR would be permitted up to 200 units and in HDR up to 320 units. In MDR, an applicant might elect to build a single-family detached neighborhood so each unit would require an 8,000 square foot lot. Setting aside 10% of the parcel for roads, about 196 units could be built resulting in an overall density of 4.9 units per acre. This is very close to the maximum permitted yield. In the HDR district, a single-family detached development is less likely, unless it takes the form of a manufactured housing community. Again, setting aside 10% of the property for roads, about 285 units would result, for a total yield of 7.13 units per acre. However, a mixed development consisting of various-sized multiple-unit buildings could easily achieve the maximum HDR density of 8 units per acre, if the development is not divided into individual parcels requiring that public roads be netted out of the density calculation. Clearly, this will increase the yield for new development in these districts making them more attractive for development.

Finally, with the reduced lot area needed to achieve the densities provided in the Master Plan and Zoning Ordinance, setback dimensions must be reduced to provide a reasonable building envelope. The recommended amendment accomplishes this, as well.

Consistency with the Master Plan. When considering a zoning change it is important to consult the policies set forth by the Township in its Master Plan. In this case, the plan's future land use map and narrative are directly supportive of the proposed change. The map legend and the text show that the Residential - Medium to High Density future land use designation has maximum densities of 3 to 5 units per acre. The zoning plan lists the MDR district as "supporting and compatible" with that future land use designation. Similarly, the Residential - High Density designation calls for 5 to 8 dwellings per acre and it is most supporting of the HDR district. Therefore, the proposed amendment is completely consistent with the Master Plan.

Recommendation. As the Township's planning consultant, I recommend that the Township Board accept the recommendation of the Planning Commission and adopt the amendment.

c: Leslie Couturier
Tina Allen



East Bay Charter Township

MDR and HDR Zoning

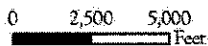
Grand Traverse County, Michigan

MDR and HDR Zoning

	MDR, Moderate Density Residential
	HDR, High Density Residential



1 inch = 5,000 feet



Williams & Works
PLANNING ENGINEERS ARCHITECTS
 10000 Grand Haven Rd., Grand Haven, MI 49431
 616-941-1100

East Bay Charter Township
Grand Traverse County
Ordinance # _____

AN ORDINANCE TO AMEND SECTION 402 MODERATE DENSITY RESIDENTIAL DISTRICT; SECTION 403 HIGH DENSITY RESIDENTIAL DISTRICT AND 505 TABLES 1 AND 3 OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE

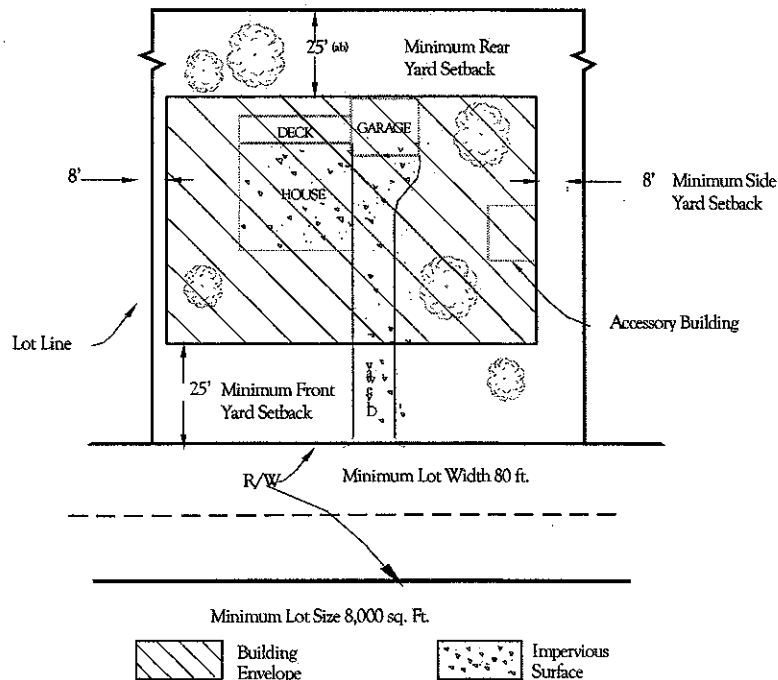
EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

- Section 402, Moderate Density Residential District (MDR) District Regulations, is hereby amended to read as follows:

DISTRICT REGULATIONS			
Min. Lot Area, 1st unit:	8,000 sq. ft.	Minimum Lot Width:	80 ft
plus 7,500 sq. ft. for each additional unit on the same parcel		W/O central water and sewer	150 ft.
W/O central water and sewer	40,000 sq. ft.		
Maximum Dwelling Units/Acre	5	Maximum Building Height	2½ stories, or 35'
W/O central water and sewer	1		
Minimum Building Setbacks^(a)		Maximum Lot Coverage	N/A
Front	25 ft.	Minimum Living Space Dimensions	24' x 24'
Side	8 ft. (each side)	Minimum Floor Area	768 sq. ft. One family
Rear	25 ft. ^(b)	Minimum Floor Area	576 sq. ft. Multi-family

(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.

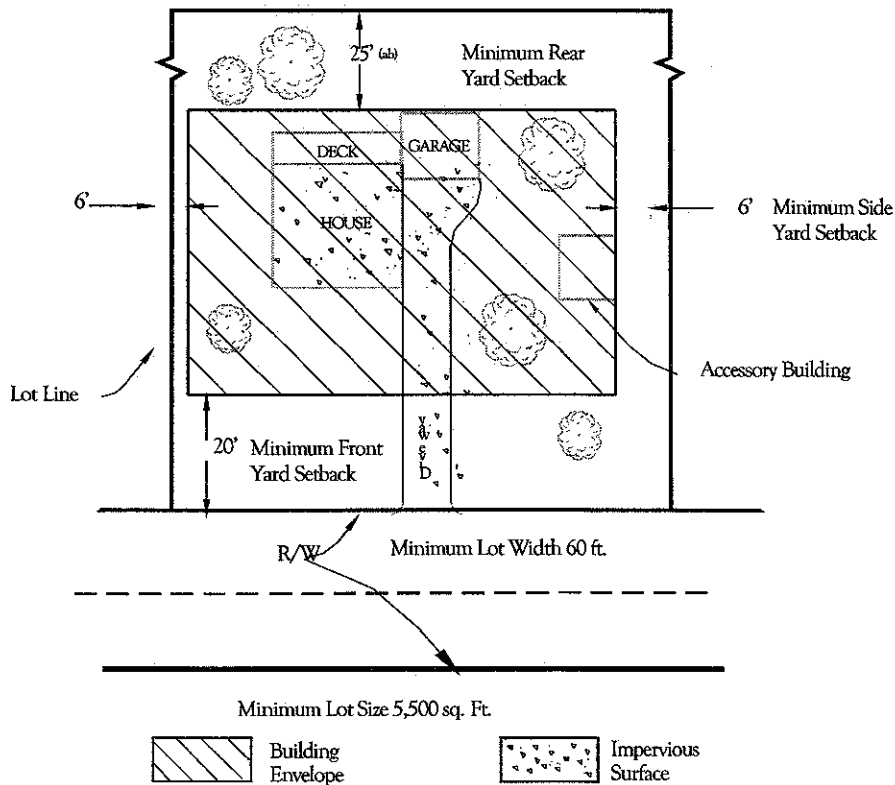


2. Section 403, High Density Residential District (HDR) District Regulations, is hereby amended to read as follows:

DISTRICT REGULATIONS			
Min. Lot Area, 1st unit:	5,500 sq. ft.	Minimum Lot Width:	60 ft
	plus 4,800 sq. ft. for each additional unit on the same parcel	W/O central water and sewer	150 ft.
W/O central water and sewer	40,000 sq. ft.		
Maximum Dwelling Units/Acre	8	Maximum Building Height	2½ stories, or 35'
W/O central water and sewer	1		
Minimum Building Setbacks^(a)		Maximum Lot Coverage	N/A
Front	20 ft.	Minimum Living Space Dimensions	12' width
Side	6 ft. (each side)	Minimum Floor Area	768 sq. ft. One family
Rear	25 ft. ^(b)	Minimum Floor Area	576 sq. ft. Multi-family

(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.



3. Section 505, Table 1 – Yard Setbacks and Structure Heights, is hereby amended to read as follows:

SECTION 505 TABLE NUMBER 1 - YARD SETBACKS and STRUCTURE HEIGHTS

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.

Zoning District	Front ^(k) (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)	2-1/2	35
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)
VC	0 ^(b)	0	10 ^(f)	3	50
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
BR	30	10 ^(d)	50 ^(f)	2-1/2	35
NA	30	10 ^(d)	35 ^(f)	2-1/2	35

- (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) 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) Except that the rear set back shall be 15 feet when adjoining residential land uses.
 - (j) 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.
 - (k) The minimum front yard setback shall apply to principal buildings, but not accessory buildings.
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.

4. Section 505, Table Number 3 – Maximum Dwelling Unit Density & Required Minimum Lot Width and Lot Area, is hereby amended to read as follows:

TABLE NUMBER 3
MAXIMUM DWELLING UNIT DENSITY &
REQUIRED MINIMUM LOT WIDTH AND LOT AREA

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	8
RR	150	-	40,000	-	1	-
LB	150	125	40,000	25,000	1	1
VC	-	60	-	7,200	-	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	

- (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.

5. **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.

6. **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

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

TOWNSHIP: East Bay Charter Township
AMENDMENT #: 06-08
DATE RECEIVED: 11-18-08
PUBLIC HEARING: 11-18-08
PRELIMINARY REVIEW:

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

CHANGE: Lot Area and Density Amendment. This amendment allows the maximum density in MDR (Moderate Density Residential) and HDR (High density Residential) districts to conform with lot size standards to help achieve the maximum density of 5 units per acre and 8 units per acre respectively.

TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:

Approval

COMMENTS:

COUNTY PLANNING STAFF COMMENTS:

For this amendment, please refer to the memorandum from Jay Kilpatrick of Williams & Works dated September 11, 2008. Williams & Works is the planning consultant for the township. A copy of the township zoning map is provided to show the locations of the LDR, MDR, and HDR zoning districts. The proposed amendment will allow for greater residential density in those areas with the services capable of permitting such density. Staff recommends approval of the subject text amendment.

COUNTY PLANNING COMMISSION ACTION:

The County Planning Commission, at their December 16, 2008 meeting, concurred with the township planning commission recommendation of approval.

COMMENTS FROM CPC ACTION:

RETURNED TO TOWNSHIP (DATE/RECOMMENDATION): 12-19-08

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

TOWNSHIP BOARD (DATE/ACTION): _____

EFFECTIVE DATE: _____ **PUBLISHED:** _____

MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Jay Kilpatrick, AICP, PCP

DATE: September 11, 2008

RE: Lot Area and Density Conformity



This memo outlines an approach to better conform the permitted residential density established in the Master Plan and the Zoning Ordinance to minimum lot area standards in the MDR and HDR districts. Attached is a suggested Zoning Ordinance amendment the Planning Commission may consider to implement the recommendations set forth below.

“Density” refers to the number of dwelling units permitted per acre and it is a useful way to think about the nature of a particular residential land use area. Higher densities can mean smaller lots and (normally) a greater rate of return per acre for the developer. An underlying assumption in the utility ordinance (Ordinance #109) is that higher residential density permitted inside the growth boundary would incentivize utility extensions. However, the discussion regarding the effect of Ordinance #109 on utility extensions revealed that the permitted density outlined in the Zoning Ordinance is actually not achievable in single-family detached developments because of lot area minimums.

Essentially, the 12,000 square foot minimum lot area in the LDR, MDR and HDR districts means that no more than 3 dwelling units per acre can be achieved in any single-family detached project. This is consistent with the density standards for LDR, but it falls short of the 5 units per acre permitted in MDR and the 8 units per acre permitted in HDR. Of course, higher densities are possible in multi-family developments, but these may not be as desirable in the marketplace.

In our discussions earlier this summer, we suggested a sliding scale for minimum lot area that begins with a reduced lot area for the first unit and increases with the number of units on the parcel. For the MDR district, it would start at an 8,000 square foot lot and in the HDR district it would start with a 5,500 square foot lot for single-family detached units. Additional units in multiple family dwellings (i.e., two unit or larger) would require proportionately larger lots. So that each additional unit in MDR would require an additional 7,500 square feet of lot area and each additional unit in HDR would require an additional 4,800 square feet, up to the maximum density.

The following table presents the range of parcel area and density:

Dwelling Type	MDR District		HDR District ¹	
	Min. Lot Area	Density (du/ac)	Min. Lot Area	Density (du/ac)
Single-Family	8,000 sq. ft.	5	5,500 sq. ft.	8
Two-Family	15,500 sq. ft.	5	10,300 sq. ft.	8
Three-Family	23,000 sq. ft.	5	15,100 sq. ft.	8
Four-Family	30,500 sq. ft.	5	19,900 sq. ft.	8
Five-Family	38,000 sq. ft.	5	24,700 sq. ft.	8
Six-Family	N/A	N/A	29,500 sq. ft.	8
Seven-Family	N/A	N/A	34,300 sq. ft.	8
Eight-Family	N/A	N/A	39,100 sq. ft.	8

Thus, in the MDR district, a single unit could go on an 8,000 square foot lot, which is a modest-sized suburban lot. A two-unit building would require a 15,500 square foot lot, a three unit building would require a 23,000 square foot lot, and so forth.

In the HDR district, a single unit could go on a 5,500 square foot lot. This would be about the area of an urban lot, or a double-wide site in a manufactured housing community. A two-unit building would require a 10,300 square foot lot, a three unit building would require a 15,100 square foot lot, etc.

A 40-acre parcel in MDR would be permitted up to 200 units and in HDR up to 320 units. In MDR, an applicant might elect to build a single-family detached neighborhood so each unit would require an 8,000 square foot lot. Setting aside 10% of the parcel for roads, about 196 units could be built resulting in an overall density of 4.9 units per acre. This is very close to the maximum permitted yield. In the HDR district, a single-family detached development is less likely, unless it takes the form of a manufactured housing community. Again, setting aside 10% of the property for roads, about 285 units would result, for a total yield of 7.13 units per acre. However, a mixed development consisting of various-sized multiple-unit buildings could easily achieve the maximum HDR density of 8 units per acre, if the development is not divided into individual parcels requiring that public roads be netted out of the density calculation. Clearly, this will increase the yield for new development in these districts making them more attractive for development.

A final consideration that has not yet been discussed in this connection has to do with minimum lot widths and setbacks. Currently, the MDR and HDR districts have identical dimensional

¹ Note that the figures for the HDR district have been adjusted since my earlier memos to yield about eight units per acre, regardless of the number of units in a project.

standards resulting in a 4,400 square foot building envelope.² Clearly, with the reduced lot area needed to achieve the densities provided in the Master Plan and Zoning Ordinance, these dimensional standards will have to be reduced, as well. The following compares current dimensional standards with adjusted standards to yield proportionate building envelopes:

	<u>MDR District</u>		<u>HDR District</u>	
	Current	Proposed	Current	Proposed
Lot Area (1 unit)	12,000 sq. ft.	8,000 sq. ft.	12,000 sq. ft.	5,500 sq. ft.
Lot Width (1 unit)	100 ft.	80 ft.	100 ft.	60 ft.
Front setback	30 ft.	25 ft.	30 ft.	20 ft.
Side setback	10 ft.	8 ft.	10 ft.	6 ft.
Rear setback	35 ft.	25 ft.	35 ft.	25 ft.
Resulting building envelope	4,400 sq. ft.	3,200 sq. ft.	4,400 sq. ft.	2,240 sq. ft.
Building envelope as % of lot area	37%	40%	37%	41%

The attached draft amendment would change Sections 402 Moderate Density Residential; 403 High Density Residential and 505 Tables 1 and 3. We have included highlighted text to allow you to readily find the adjustments.

At the October meeting we can discuss these changes and determine whether to proceed to hearing on the amendment.

c: Leslie Couturier
 Zoning Administrator

² The building envelope is the area contained inside the front, side and rear setback limits where buildings may be located.

East Bay Charter Township
 Grand Traverse County
 Ordinance # _____

Draft
 9/12/08

AN ORDINANCE TO AMEND SECTION 402 MODERATE DENSITY RESIDENTIAL DISTRICT; SECTION 403 HIGH DENSITY RESIDENTIAL DISTRICT AND 505 TABLES 1 AND 3 OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

1. Section 402, Moderate Density Residential District (MDR) District Regulations, is hereby amended to read as follows:

DISTRICT REGULATIONS			
Min. Lot Area, 1st unit: 8,000 sq. ft. plus 7,500 sq. ft. for each additional unit on the same parcel W/O central water and sewer 40,000 sq. ft.	Minimum Lot Width: 80 ft W/O central water and sewer 150 ft.		
Maximum Dwelling Units/Acre 5 W/O central water and sewer 1	Maximum Building Height 2½ stories, or 35'		
Minimum Building Setbacks ^(a)	Maximum Lot Coverage N/A		
Front 25 ft. Side 8 ft. (each side) Rear 25 ft. ^(b)	Minimum Living Space Dimensions 24' x 24' Minimum Floor Area 768 sq. ft. One family Minimum Floor Area 576 sq. ft. Multi-family		
^(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.			

2. Section 403, High Density Residential District (HDR) District Regulations, is hereby amended to read as follows:

DISTRICT REGULATIONS			
Min. Lot Area, 1st unit:	5,500 sq. ft.	Minimum Lot Width:	60 ft
plus 4,800 sq. ft. for each additional unit on the same parcel		W/O central water and sewer	150 ft.
W/O central water and sewer	40,000 sq. ft.		
Maximum Dwelling Units/Acre	8	Maximum Building Height	2½ stories, or 35'
W/O central water and sewer	1		
Minimum Building Setbacks ^(a)		Maximum Lot Coverage	N/A
Front	20 ft.	Minimum Living Space Dimensions	12' width
Side	6 ft. (each side)	Minimum Floor Area	768 sq. ft. One family
Rear	25 ft. ^(b)	Minimum Floor Area	576 sq. ft. Multi-family

^(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.

3. Section 505, Table 1 – Yard Setbacks and Structure Heights, is hereby amended to read as follows:

SECTION 505 TABLE NUMBER 1 - YARD SETBACKS and STRUCTURE HEIGHTS

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.

Zoning District	Front ^(k) (Street)	Each Side ⁽ⁱ⁾	Rear ^(j)	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)	2-1/2	35
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)
VC	0 ^(h)	0	10 ^(f)	3	50
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
BR	30	10 ^(d)	50 ^(f)	2-1/2	35
NA	30	10 ^(d)	35 ^(f)	2-1/2	35

(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) 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) Except that the rear set back shall be 15 feet when adjoining residential land uses.

(j) 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.

(k) The minimum front yard setback shall apply to principal buildings, but not accessory buildings.

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.

4. Section 505, Table Number 3 - Maximum Dwelling Unit Density & Required Minimum Lot Width and Lot Area, is hereby amended to read as follows:

TABLE NUMBER 3
MAXIMUM DWELLING UNIT DENSITY &
REQUIRED MINIMUM LOT WIDTH AND LOT AREA

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 ^(c)	1	5
HDR	150	60	40,000	5,500 ^(d)	1	8
MHC	150	100	40,000	12,000	1	8
RR	150	-	40,000	-	1	-
LB	150	125	40,000	25,000	1	1
VC	-	60	-	7,200	-	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	-

- (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.

5. 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.

6. 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: _____, 2008

Effective Date: _____, 2008