

East Bay Charter Township

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

TOWNSHIP: East Bay Charter Township
AMENDMENT #: ZA 3-08
DATE RECEIVED: 8-19-08
PUBLIC HEARING: 8-12-08
PRELIMINARY REVIEW:

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

CHANGE: Text amendment to allow campgrounds in the Natural Area district. The text amendment would amend several sections and add a campground as a special land use.

TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:

Approval

COMMENTS:

COUNTY PLANNING STAFF COMMENTS:

Please see attached staff report.

COUNTY PLANNING COMMISSION ACTION:

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

COMMENTS FROM CPC ACTION:

RETURNED TO TOWNSHIP (DATE/RECOMMENDATION): 9-23-08

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


TOWNSHIP BOARD (DATE/ACTION): _____

EFFECTIVE DATE: _____ **PUBLISHED:** _____

Williams & Works

MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Jay Kilpatrick, AICP 

DATE: July 21, 2008

RE: Rezoning Request (RZ 1-08) Hammond Road, East of 6 Mile (parcel 28-03-226-003) From LDR to NA

Gordon Waggoner and Pere Marquette Recreation LLC, have requested the rezoning of approximately 40 acres located in Section 26 at the easterly terminus of Hammond Road. This memo and the proposed Zoning Map Amendment are submitted in conjunction with the discussion at the June Planning Commission meeting pertaining to the request to add Camps and Campgrounds to the list of special land uses permitted in the Natural Area district. Pere Marquette Recreation (dba Timber Ridge RV and Recreation Resort) at 4050 Hammond Road, has also requested consideration of an amendment to the Township's Zoning Ordinance to include Campgrounds and RV Parks as a listed use in the Natural Area Districts. The text amendment was the subject of a hearing on June 17th and based on the input of the Planning Commission and the Township's Attorney, the Planning Commission will consider a revised version of that amendment at another hearing on August 12th.

The subject request is submitted assuming the Planning Commission recommends the amended text to the Township Board and this rezoning request would place the westerly 40 acres of the existing campground in the NA district, where (with the text amendment) it would be a conforming special land use. The text amendment also makes the easterly 40 acres of site eligible for an expansion of the existing facility, but only as a special land use.

Completeness of Submittal. Article XI, Amendments, of the Zoning Ordinance provides no requirements for submissions to amend the zoning ordinance or zoning map. Information provided includes only the application form provided by the township. To aid the Planning Commission in its review, we have provided the attached maps including an enlargement of the area proposed for the change, the current zoning map and a proposed zoning map.

Analysis. The Zoning Ordinance does not provide specific standards to follow when considering a change in zoning districts. However, effective planning and zoning practices suggest that the Planning Commission evaluate such a request with the following general criteria:

- ◆ Relationship to the Comprehensive Plan: Is the request consistent with the existing and future land use patterns as reflected in the Comprehensive Plan? If the request is not consistent with the Comprehensive Plan, has there been a significant change in conditions that were not anticipated when the Comprehensive Plan was adopted, and would warrant a review of the Plan?
- ◆ Is the property reasonably able to be used as zoned? Conversely, can the property be reasonably used under the proposed zoning?
- ◆ How will the proposed rezoning impact surrounding properties?
- ◆ Are there other areas of the community that are better suited and planned for the proposed zoning?

The following comments may be helpful in considering this request.

1. **Consistency with the Comprehensive Plan.** The subject property, and adjacent property to the west and south, are designated by the Comprehensive Land Use Plan Map (Map #21) as Residential - Low to Medium Density. The easterly property line forms a part of the growth boundary in the future land use plan. Property to the east, including the remainder of the site under the same ownership, is located in the Natural Area Preservation district, while properties to the north, west and south are also in the Residential - Low to Medium Density district.

A future land use map is intended to be interpreted as general with the boundaries between future land use designations somewhat indistinct. Thus this site may be considered as within the margins of the Natural Area Preservation district, especially since its companion parcel to the east is and since the use itself, a campground, was in existence when the 1999 Plan was developed.

For these reasons, I believe, the Planning Commission may find that the request is generally consistent with the Comprehensive Plan.

5. **Reasonable use as currently zoned and or as proposed to be zoned.** A determination of whether a property has a reasonable use as currently zoned involves a review of the property itself, neighboring uses and the Zoning Ordinance standards. Currently, the property is used as a campground, a legal, non-conforming use. In effect, this means that but for the text amendment being considered and the potential rezoning, the existing use precludes improvement or expansion of the use, except with special approval by the ZBA. The proposed rezoning to NA coupled with the text amendment relieves this difficulty, treating the campground as a use permitted subject to the Special land use requirements of Article Six.

Clearly, the site could be used for single-family residences either under the existing zoning or under the proposed NA district, but not without removal of the existing campground facility.

Therefore, I believe, the Planning Commission may find that the site cannot be used in accord with the existing zoning requirements without substantial additional site work, while with the proposed rezoning, the existing use may be maintained and potentially expanded in a controlled manner.

6. **Impact on surrounding properties.** The fact that the existing use has a long history in this location helps to define possible impact on surrounding properties. The use is well established and predates many nearby uses. However, any possible expansion or change in operation could have negative impacts on neighboring development. Therefore, the approach proposed with the text amendment pertaining to Campgrounds offers a mechanism to address these potential impacts with specific management and development standards. In addition, of course, special land uses are subject to public hearing so surrounding land owners will have an opportunity to review and comment on any possible expansion. On the other hand, since the other uses permitted in the NA District are generally less intense and more rural in character than those permitted under the existing LDR district, should be campground use be abandoned other possible uses on the site would potentially have less negative impacts than those permitted under the existing district.

Therefore, I believe that the Planning Commission may find that any impacts from the proposed rezoning will be modest and less intrusive than those of uses currently permitted.

7. **Other areas of the community that are better suited and planned for the proposed use and the Natural Area district.** The eastern portion of the Township immediately adjacent to the site is natural in character and already appropriately zoned. In this sense, the proposed rezoning may be viewed as a natural extension of the adjoining designation. In addition, its rolling and wooded terrain and lack of public utilities make this site a good candidate for low intensity uses, such as those permitted in the NA district. Of course, since the request relates to a use currently in existence and generally regarded as desirable in the community, no other site would be better suited for this particular facility.

Therefore, I believe the Planning Commission may find that the proposed request constitutes the best potential site for the proposed change in zone and the existing use, as it essentially institutionalizes the existing pattern.

Recommendation. Based on the foregoing analysis, approval of the rezoning request is recommended. The basis for approval would be as set forth above

c: Leslie Couturier
Zoning Administrator

East Bay Charter Township
Grand Traverse County

Ordinance # _____

AN ORDINANCE TO AMEND SECTION 301,- ZONING MAP, SECTION 303 - LAND USE TABLE; SECTION 407 - NATURAL AREA DISTRICT; AND 1404 DEFINITIONS 'C'; AND CREATE SECTION 646 CAMPS AND CAMPGROUNDS, OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE.

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

1. SECTION 301 IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 301 ZONING MAP

The areas assigned to the districts are shown upon the map entitled "East Bay Township Zoning Map" as amended effective _____ (insert effective date of amendment _____) 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.

2. SECTION 303 IS HEREBY AMENDED 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
Accessory Bldg. ≤ footprint principal structure	R*	R*	R	R	R*	R	R	R	R	R	R*	R*	R*	R*
Accessory Bldg. > footprint principal structure	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
Adult Businesses								SLU						
Agricultural Service Establishment											SLU			
Airport											SLU			
Animals					R						R			
Antique Store						R	R	R						
Appliance, repair and sales						R	R							
Architecture, Design & Engineering										R				
Bakery or Confectionery Shop							R							
Bank						R	R		R					
Bed & Breakfast		SLU	SLU	SLU	R		SLU				SLU	SLU		
Billboards								SLU						
Boat, Motor Sales & Repair												SLU		
Book Store							R							
Building, Electrical, Mechanical & Plumbing							SLU			R				
Cabin Courts												R		
Camps and Campgrounds												R		SLU
Car Wash, connected to public sewer						R	SLU	SLU						
Cemeteries	SLU													
Civic Club														
Combinations of Uses							SLU	R/SLU	R/SLU					
Commercial agriculture											R			

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
Commercial Establishments w/ Drive-Thru						SLU		SLU						
Commercial Recreation, assoc. w/ residential														
Commercial Recreation, skiing, golf						SLU				R				
Construction Equip. Sales & Supplies								R						
Convenience Store, excluding fuel service														
Day Care, Group 7-12 children	SLU	SLU	SLU	SLU	SLU		R				SLU			
Day Care Center or Child Care Center			SLU	SLU		SLU	SLU							
Drug Store							R	R						
Dwelling, 2-fam. in Windcrest Hills, Earlington Hills and Chateau Heights Plats	R													
Dwelling, multiple		R	R	R			R	SLU						
Dwelling, single family detached	R*	R*	R*	R*	R*	SLU	R				R*	R*	R*	R*
Education Facilities	SLU	SLU	SLU	SLU	SLU		SLU			R	SLU			
Fabrication & Assembly														
Farm, operations and farm buildings											R			
Fitness Center							SLU	SLU		SLU				
Floral Shop							R							
Forestry & Wildlife Management													R	R
Foster Care, Adult (7-12 residents)		SLU	SLU	SLU	SLU						R			
Foster Care, Adult (13+ residents)			SLU	SLU		SLU					SLU			
Galleries, art, craft and hobby stores							R							
Gasoline Station						R	R							
Gift & Souvenir Shop							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						
Grouped Housing, multi-family		R	R	R										
Hardware Store						R	R							
Home Occupation	R	R	R	R	R		R				R	R	R	R
Hotels & Motels														
Industrial Clustered Sub-Division							SLU	R		R				
Jewelry Store								R						

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
Keeping of Horses												R	R	R
Kennels & Animal Clinic											R			
Laboratories										R				
Laundry & Dry Cleaning Establishment						SLU		SLU						
Lodging and Boarding House			R	R										
Manufactured Housing Community				R										
Manufacturing & Processing										R				
Marinas, uses incidental thereto								R						
Mini-Warehouse, Self-Store 8K sq ft, or less			SLU	SLU	SLU	SLU				R	SLU	SLU		
Mini-Warehouse, more than 8K sq ft									SLU	R				
Mortuary														
Neighborhood Local Business												SLU		
Nursing Home			R	R										
Office Clustered Sub-Division									R					
Outdoor storage, up to 4 Recreation Vehicles					R					R	R*	R*	R*	R*
Packaging, Canning & Bottling														
Party, Drugs and Notions Store						R		R						
Permanent Docks													R	
Personal Services						R	R	R						
Personal Wireless Communication Facilities					SLU	SLU		SLU	SLU	SLU	SLU	SLU	SLU	SLU
Photographic, developing, sales & supplies								R						
Places of Public Assembly, Large and 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				
Public Parks	R	R	R	R	R			R	R	R	R	R	R	R
Public Recreational Facility, excluding carnival								R						
Publicly Owned Bldgs, exchanges, util. Offices									R					
Purchase of Development Rights (PDR)					R						R		R	R
Recreation Facilities								R						
Recreation, accessory to industry										R				
Research, Development & Testing										R				

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
Restaurant						R	R	R						
Retail Sales in Industrial Developments										SLU				
Roadside Stands											R			
Seasonal Merchandise Sales							R							
Shore Improvements												R*		
Shore Structures												R*		
Showroom for Office & Building Trades						R		R						
Sporting, Recreation & Bicycle Shop														
Studio for performing and graphic arts							R							
Subdivision, Plat or Condominium -- Residential	R	R	R	R	R						R	R	R	R
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					
Subdivision -- Cluster, 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														
Vehicle Repair Facilities														
Video Store						R	R	R		SLU				
Walkways, elevated, open or enclosed														
Warehousing, products produced on premises														
Wearing Apparel, Accessory & Shoe Store						R	R	R						

3. SECTION 407, 1, IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 407 NATURAL AREA DISTRICT, NA

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 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.

SPECIAL LAND USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal structure
- ◆ Personal Wireless Communication Facilities
- ◆ Planned Unit Developments, subject to Section 637
- ◆ Camps and Campgrounds, subject to Section 646

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

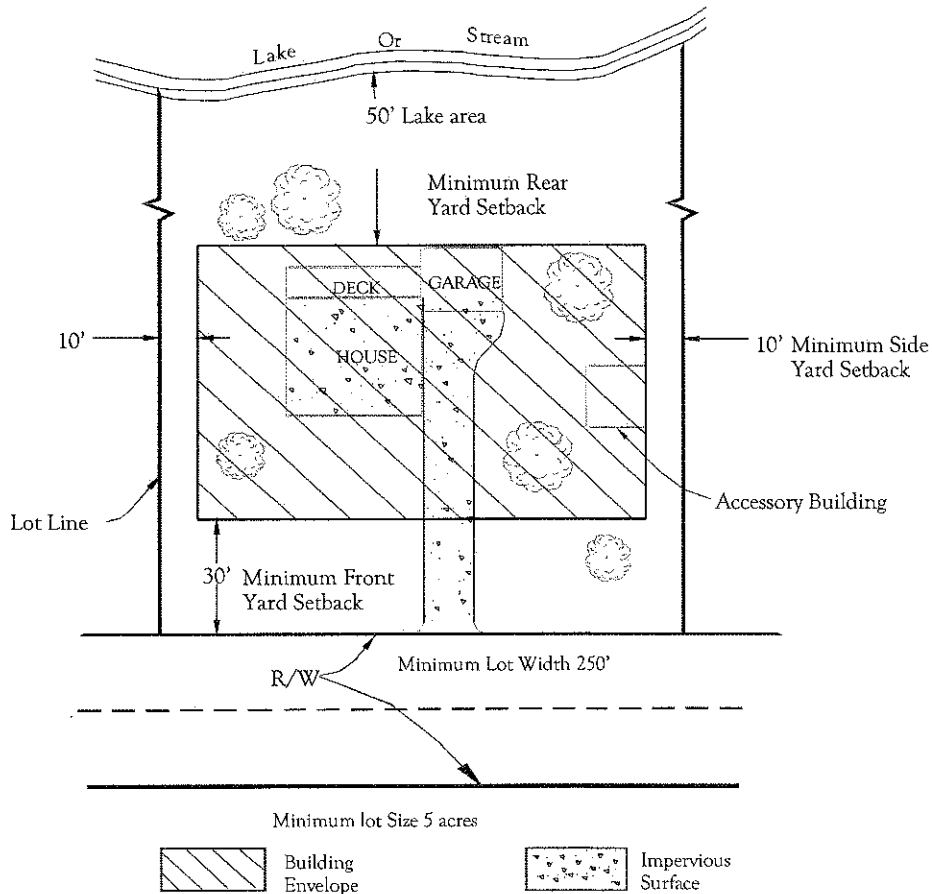
DISTRICT REGULATIONS

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)		Maximum Lot Coverage	N/A
Front	30 ft.	Minimum Living Space Dimensions	24' x 24'
Side	10 ft. (each side)	Minimum Floor Area	768 sq. ft. One family
Rear	35 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 rear yard setback shall be 45 feet from elevation 581' USGS datum properties located on Gd. Traverse Bay.

NA DISTRICT



4. SECTION 407, 3, IS HEREBY AMENDED TO READ AS FOLLOWS:

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. Personal wireless communication facilities, subject to the provisions of Section 634.
 - c. Planned unit developments subject to the provisions of Section 637
 - d. Camps and Campgrounds subject to the provisions of Section 646

5. SECTION 646 IS HEREBY ADDED TO READ AS FOLLOWS:

SECTION 646 CAMPS AND CAMPGROUNDS

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.

6. SECTION 1404 IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1404 C

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.

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.

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: The use of land and/or structures for the growing and/or production of farm products for income.

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.

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.

7. **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.

8. **EFFECTIVE DATE:** This ordinance shall be effective eight (8) days after its publication in a newspaper of general circulation within East Bay Township.

CHARTER TOWNSHIP OF EAST BAY

Date: _____

By: _____
Glen Lile, Supervisor

Date: _____

By: _____
Susanne Courtade, Clerk

Published Date: _____, 2008

Effective Date: _____, 2008