

East Bay Charter Township

# 8

Planning Amendment to Article XIV,  
Structures

Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_

To

Approve

Deny

Table

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Roll Call Vote:

Yeas:

Nays:

Abstain:

Absent:

Motion

Passed

Failed

**East Bay Charter Township  
Grand Traverse County  
Ordinance 1-08**

**AN ORDINANCE TO AMEND SECTION 1420, DEFINITIONS – S, OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE.**

**EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:**

- 1. Amend Article XIV, Definitions, Section 1420, to add the following revised definition of the term, "Structure":**

**STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground, regardless of whether it may be transportable or capable of being moved.

- 2. 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.

- 3. 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

**EAST BAY CHARTER  
PLANNING COMMISSION  
NOTICE OF ADOPTION OF AMENDMENTS TO  
THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE**

PLEASE TAKE NOTE that the Township Board of East Bay Charter Township has adopted an amendment to the Township Zoning Ordinance to amend Section 1420, Definitions to read:

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground, regardless of whether it may be transportable or capable of being moved.

This amendment to the Township Zoning Ordinance was adopted following public hearing held by the Township Planning Commission on Tuesday, March 4th at 6:30PM. A copy of the amended Zoning Ordinance, including the above-described amendments, is available for purchase or inspection during normal business hours at the East Bay Charter Township Hall, 1965 Three Mile Road, Traverse City, Michigan. The new Zoning Ordinance shall take effect eight (8) days following the date of this published notice pursuant to Section 401(6) of the Zoning Enabling Act, Act 12 of 2008.

If you have any questions regarding the new Zoning Ordinance, contact Leslie Couturier, Zoning Administrator at (231) 947-8647.

Susanne Cortade, Clerk  
East Bay Charter Township

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

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**TOWNSHIP:** East Bay Charter Township  
**AMENDMENT #:** 1-08  
**DATE RECEIVED:** 3-10-08  
**PUBLIC HEARING:** 2-5-08  
**PRELIMINARY REVIEW:**

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

**CHANGE:** Amend Article XIV, Definitions, Section 1420, to add revised definition of the term "Structure."

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground, regardless of whether it may be transportable or capable of being moved.

Please see attached amendment notice.

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**TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:**

Approval

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**COUNTY PLANNING STAFF COMMENTS:**

The proposed amendment is a very minor change to add a definition of structure. The proposed definition is typical. Staff recommends approval.

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**COUNTY PLANNING COMMISSION ACTION:**

The County Planning Commission, at their March 18, 2008 meeting, concurred with the recommendation of approval.

**COMMENTS FROM CPC ACTION:**

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**RETURNED TO TOWNSHIP (DATE/RECOMMENDATION):** 3-19-08


**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 

DATE: January 22, 2008

RE: Zoning Amendment: Definition of "Structure"

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The purpose of this memo is to suggest an amendment to Article Fourteen Definitions consistent with the recent interpretation by the Zoning Board of Appeals.

The recent ZBA case involved an interpretation of whether an aluminum frame carport constituted a "structure" under the ordinance and, therefore, must be located in conformity with the setback requirements in the particular zoning district. The ZBA determined that the existing definition should apply to such a thing the Township has an established history of considering moveable garden sheds or other buildings to be structures, as opposed to truly mobile homes intended to be moved from one site to the next. They also observed that the use of such buildings require that they be located more or less permanently on the ground, which is also consistent with the definition.

However, the ZBA also suggested that the Planning Commission review the definition of "structure" to resolve this ambiguity. The following indicates the adjustments we would suggest to the existing definition based on the recent action of the ZBA:

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or anything attached to something having a permanent location on the ground, ~~regardless of whether it may be transportable or capable of being moved.~~ including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts and pergolas.

If the Planning Commission is comfortable with this approach, the attached amendment may be scheduled for public hearing in March.

c: Leslie Couturier, Zoning Administrator