

Robert Tubbs, Chair  
Mindy Walters, Vice Chair  
Judy Nemitz, Secretary



Paul Gonzalez, Commissioner  
Ted Hentschel, Commissioner  
Daniel Leonard, Commissioner  
John Sych, Commissioner

**SPECIAL MEETING OF THE EAST BAY CHARTER TOWNSHIP PLANNING COMMISSION &  
BOARD OF TRUSTEES  
TUESDAY ~ March 17, 2020 ~ 5:30 PM  
East Bay Township Hall at 1965 N. Three Mile Road, South Meeting Room**

1. Call Meeting to Order
  - a. Planning Commission
  - b. Board of Trustees
2. Roll Call
3. Approval of Agenda
4. Public Comment
  - a. Master Plan
    - Overview of Proposed Process
    - Discussion
  - b. Urban Growth Boundary
    - Utility Rate Study
    - Zoning density
  - c. Short Term Rentals
    - Staff report
5. Public Comment
6. Adjournment

 If you wish to attend and require auxiliary aide assistance, please contact the Township Clerk at (231) 947-8647 or TDD at (231) 922-4412.



**Meeting: Special Meeting – Joint Meeting with Board of Trustees**

**Date: Tuesday, March 17, 2020**

**Agenda Item: Master Plan Update**

**Description:**

A Master Plan is a blueprint for how a community would like to grow and develop over the next 15-20 years. Master Plans help guide communities in their decisions on land use development and preservation. The Master Plan is also instrumental in informing specific policy decisions such as rezoning and conditional rezoning requests and development approvals.

Act 33 of 2008, the Michigan Planning Enabling Act (MPEA), sets forth specific statutory requirements for engaging in land use planning and preparing a master plan. A master plan shall include those of the following subjects:

- A land use plan that includes a classification and allocation of land for various uses (Sec. 33(2)(a));
- Recommendations on infrastructure including transportation for all users of roadways (Sec. 33(2)(b));
- Recommendations for redevelopment or rehabilitation of blighted areas (Sec. 33(2)(c));
- A zoning plan (Sec. 33(2)(d)) and
- Recommendations for implementing any of the master plan's proposals (Sec. 33(2)(e)).

Statute requires local governments in Michigan to assess their current master plan every five years in order to decide if the plan needs to be updated. The East Bay Township Master Plan was last updated in 2015. The current Master Plan is well written and generally articulates the vision and trajectory for growth and development in the Township. Thus, a complete rewrite of the East Bay Township is not necessary. Instead, an update of demographic data and community trends, public engagement around a community vision and action plan, and a review of future land use, zoning changes, and priority actions is proposed.

**Proposed Timeline**



**Proposed Budget:**

Grand Rapids based planning, engineering, and surveying firm, Williams & Works, has a long history of providing planning and technical support to East Bay Township and provides these services on an as-needed basis. The firm has parcel information and background mapping data already on file for the Township. Williams & Works estimated a fee of approximately \$5,000 to assist with demographic and data for the master plan and update Master Plan maps. The Planning & Zoning Department will facilitate the public engagement process and work with the planning commission to update the future land use, zoning plan, and action plan.

East Bay Township has allocated \$20,000 to contract services for the 2020 fiscal year. Of this, \$8,000 has been dedicated to Safe Routes to School and \$5,000 has been dedicated to the Beach District Corridor, leaving \$7,000 remaining.

**Action:**

Recommendation from the Township Board of Trustees and Planning Commission as to:

1. Focus areas of the master plan
2. Input on the proposed public engagement process



**Meeting: Special Meeting – Joint Meeting with Planning Commission & Board of Trustees**

**Date: Tuesday, March 17, 2020**

**Agenda Item: Urban Growth Boundary**

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**Background:**

East Bay Township's urban growth boundary was established in 1999 with the purpose of "promoting efficient and aesthetic growth within this area, while seeking to promote conservation of natural features and the rural character outside the boundary." The UGB consists of an area of about 7,900 acres (12.3 square miles) and is located in the northwestern one-third of the Township.

Generally, the Township zoning ordinance and master plan seek to direct commercial and residential development to the UGB by allowing higher density and more intensive uses within the boundary and limiting density and commercial development outside the boundary. Township policies also support public water and sewer infrastructure within the UGB. Density is limited if a developer does not provide for a connection to public water and sewer infrastructure. Township Ordinance No. 109 of 2004 supports this policy by requiring developments of a certain size and within a certain distance of infrastructure to hook up to sanitary sewer and public water.

**UGBs in other Communities:**

Because UGBs in Michigan are somewhat rare and many lack regulatory teeth, examples from other areas of the country are drawn upon. Under Oregon law, every community is required to create an UGB, and this boundary is approved by the State based on population and growth projections. By State law, every six years this boundary is reexamined. Expansion of the UGB is based on 20 years projections for housing and job growth, so a community must prove that anticipated growth and development warrants an expansion in public infrastructure.

Communities adopt UGB policies as a method of reducing costs associated with infrastructure provision and to preserve agricultural land and open space. Another added benefit of an UGB is to help facilitate walkable mixed development patterns. In theory, the UGB results in shorter distances between homes, goods, and services.

**Possible Policy Options:**

Much of the area within the existing UGB in East Bay is undeveloped. In some cases, this is due to natural obstacles such as wetlands and poor soils. In other instances, it could be from a lack of public infrastructure – sewer, water, or improved roads. To further funnel future residential and commercial development within the UGB, the Township could consider reducing the permitted density outside of the UGB. This would protect existing homes, but preclude new residential developments at a density of one unit per acre. In the same vein, the Township could consider increasing the density permitted within the UGB.

In some cases, simply allowing higher density will not be a sufficient means of promoting denser development within the UGB. Another option is reducing the cost burden of infrastructure. Priority development areas could be identified within the UGB and the Township could consider paying for a portion of the public infrastructure to incentivize private development.

**Attachments:**

- Maximum Dwelling Unity Density
- Zoning Map
- Future Land Use Map (2015 master plan)
- Jan 2020 Minutes excerpt from Board of Trustees – regarding utility rate analysis

EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE  
SECTION 505

TABLE OF REQUIREMENTS. The minimum lot area and minimum lot width per family for each district shall be as shown on the accompanying Table No. 3.

- a. Two or more parcels, lot of legal record or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Ordinance, provided that such lots are located in a single district.
- b. No requirements contained in this Article shall prevent the use of a lot or parcel of land of lesser size provided the same was of legal record prior to March 1, 2003.
- c. Where a multiple housing development has been approved by a special use permit, the provisions of that permit regarding lot width and lot area shall replace the requirements of Table No. 3.
- d. Where a clustered subdivision has been approved by the Township, the lot area and lot width shall replace requirements of Table No. 3.
- e. For Flag Lots, as defined herein, established after March 1, 2003, the minimum lot width shall be measured at the midpoint between the front and rear lot lines and shall not be less than the required minimum lot width for the district in which the parcel is located. For such Flag Lots, the minimum width of the access right-of-way shall not be less than thirty-three (33) feet.

**TABLE NUMBER 3 - MAXIMUM DWELLING UNIT DENSITY  
& REQUIRED MINIMUM LOT WIDTH AND LOT AREA  
(Rev. 1/27/14 and 10/25/16 and 6/12/17)**

Zoning Districts	Minimum Parcel Dimensions <sup>(a)</sup>				Density <sup>(b)</sup> (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 <sup>(e)</sup>	1	5
HDR	150	60	40,000	5,500 <sup>(f)</sup>	1	8
MHC	150	100	40,000	12,000	1	12
RR	150	-	40,000	-	1	-
LB	150	125	40,000	25,000	1	1
EBC	-	100	-	20,000	-	8
RB	-	100	-	20,000	-	-
PO	-	-	-	20,000	-	-
IND	-	150	-	40,000 <sup>(d)</sup>	-	-
LA	150	-	40,000	-	1	-
AG	150	-	40,000	-	1	-
BR	150/200 <sup>(c)</sup>	-0	40,000 or 2.5 Acres <sup>(c)</sup>	-	1 or 0.4 <sup>(c)</sup>	-
NA	250	-	5 Acres	-	0.2	-
AS	-	75	-	-	-	- (g)
PNR	-	-	-	3,000	-	-

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')**

**\*Table Notes**

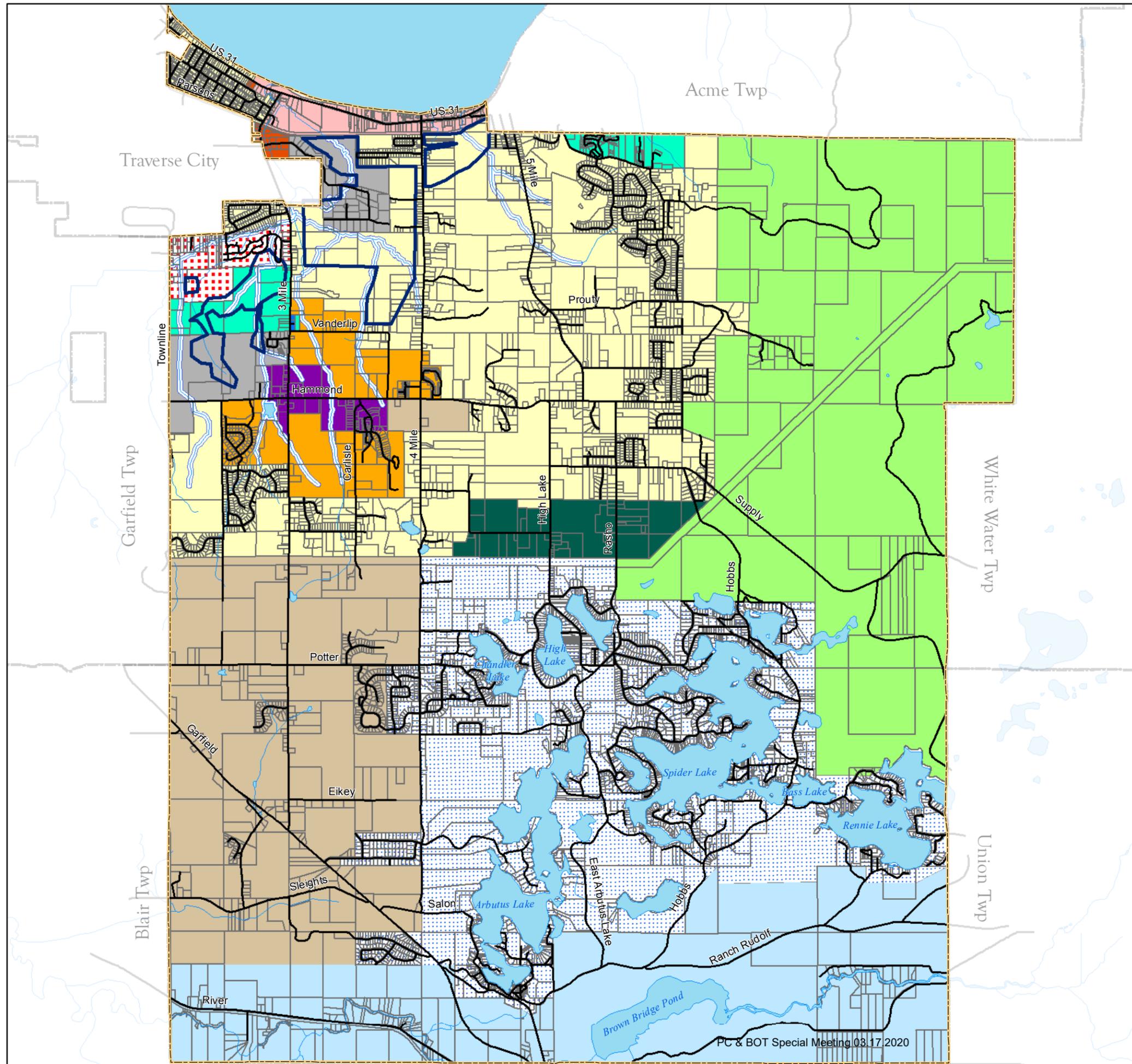
- (a) For individual lots in subdivision (based on net lot area) or lots not part of a Grouped Housing Development, Clustered Subdivision or Multiple Family Housing Development.
- (b) For Grouped Housing Development, Clustered Subdivisions and Multiple Family Housing Developments (based on gross parcel 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.
- (g) Form-based standards – as a result, density is based on meeting those standards versus a specific minimum.

# East Bay Charter Township

Grand Traverse County, Michigan

## Zoning

Effective: May 22, 2003  
as amended through January 27, 2014



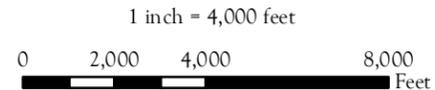
- Mitchell and Baker Creek Overlay District
- 100' Stream Buffer
- LDR, Low Density Residential
- MDR, Moderate Density Residential
- LB, Local Business
- HDR, High Density Residential
- RR, Rural Residential
- LA, Lakes Area
- AG, Agricultural
- NA, Natural Area
- BR, Boardman River
- EBC, East Bay Corners
- PO, Professional Office
- RB, Regional Business
- IND, Industrial
- MHC, High Density Residential & Manufactured Housing

The undersigned hereby certify this map as the official adopted zoning map of East Bay Charter Township

Glen Lile  
Township Supervisor

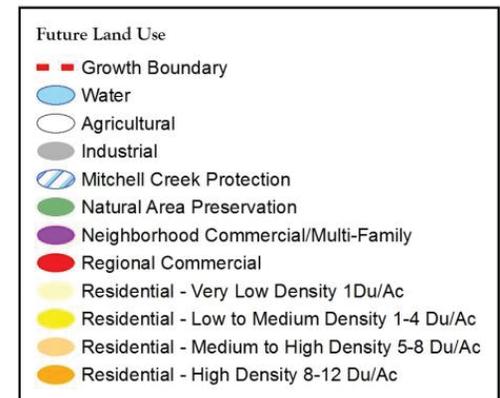
Susanne M. Courtade  
Township Clerk

Date \_\_\_\_\_



## Future Land Use

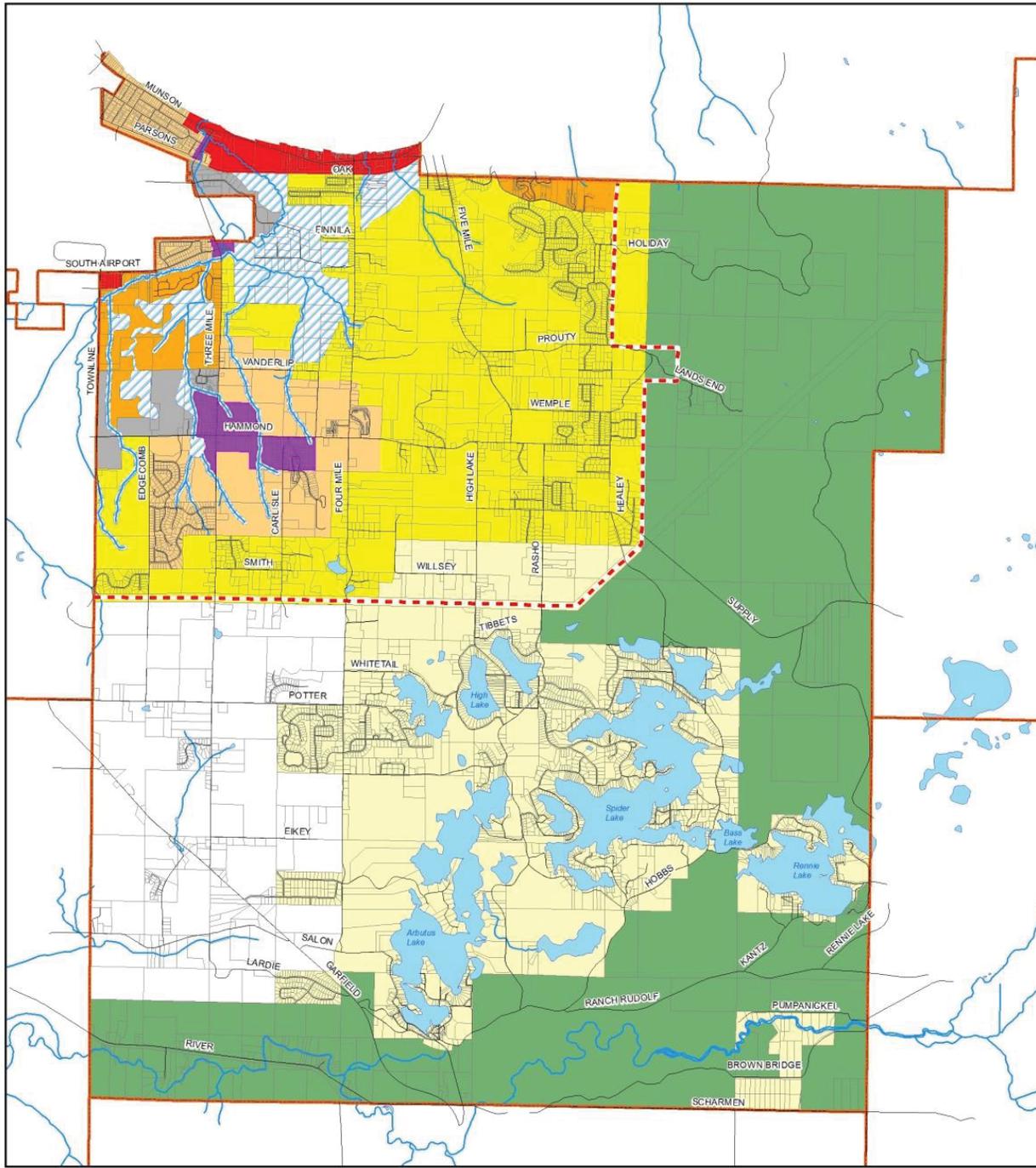
Approved by the Planning Commission: December 1, 2015  
Approved by the Township Board: December 14, 2015



1 inch = 6,000 feet



**Williams & Works**  
engineers · planners · surveyors *a tradition of service*



The following is an excerpt from the approved January 2020 Board of Trustees regular meeting minutes. Please refer to the description below for the details and budget implications of the water and sewer rate analysis.

**5. Water and Sewer Rate Analysis**

**a. Utility Financial Solutions Proposal for Cost of Service and Rate Design**

John DiVozzo, Director of Grand Traverse County department of Public Works, said that this analysis is phase two of the ordinance rewrites and explained the two proposals. The BPW has accepted the proposal from Utility Financial Solutions, LLC believing it to more accurately depict the intent of the RFP.

*Bartlett moved and Friend seconded to approve the expenditure of \$13,670 for sewer analysis; \$13,670 for water analysis and \$5,000 additional for costs of any additional on-site meetings with a total cost not to exceed \$33,000. The motion carried upon a voice vote.*

**b. 2020 Rates**

DiVozzo recommends that the township retain its current water and sewer rates until the analysis was completed.

*Friend moved and Walters seconded to retain current water and sewer rates until an analysis was complete. The motion carried upon a voice vote.*

# Short Term Rental Report



March 11, 2020

»» East Bay Charter Township implemented Ordinance 5 of 2019, effective July 15, 2019 and known as the *East Bay Charter Township Short-Term Rental Licensing Ordinance*. Short-Term Rentals are defined as a dwelling unit which is rented less than 30 nights. This ordinance was enacted to allow the short-term rental of licensed properties which meet criteria set to ensure the health, safety, and welfare of the community. Before Ordinance 5 of 2019, short-term rentals were not legally allowed in the community.

Pursuant to the *Short-Term Rental Licensing Ordinance*, property in East Bay Charter Township must first obtain a license from the Planning & Zoning Department in order to rent a dwelling unit on a short-term basis.

There are currently 241 rental properties in East Bay that have or will need to register with the Township in order to be in compliance with Ordinance 5 of 2019. These properties have been sorted into categories in **Fig. 1**.

To date, 89 properties have already registered as a licensed short-term rental. A majority of these licenses were issued during the first few months after the adoption of Ordinance 5 of 2019, which indicates a substantial number of Short-Term Rental owners were actively interested in East Bay's approach to Short-Term Rentals. Short-Term Rental License applications briefly

spiked in December 2019 and January 2020 in response to a mailing of "Possible Zoning Violation" letters, sent on December 3. This mailing list included 75 properties in East Bay that were found to have been operating short-term rentals without the necessary license.

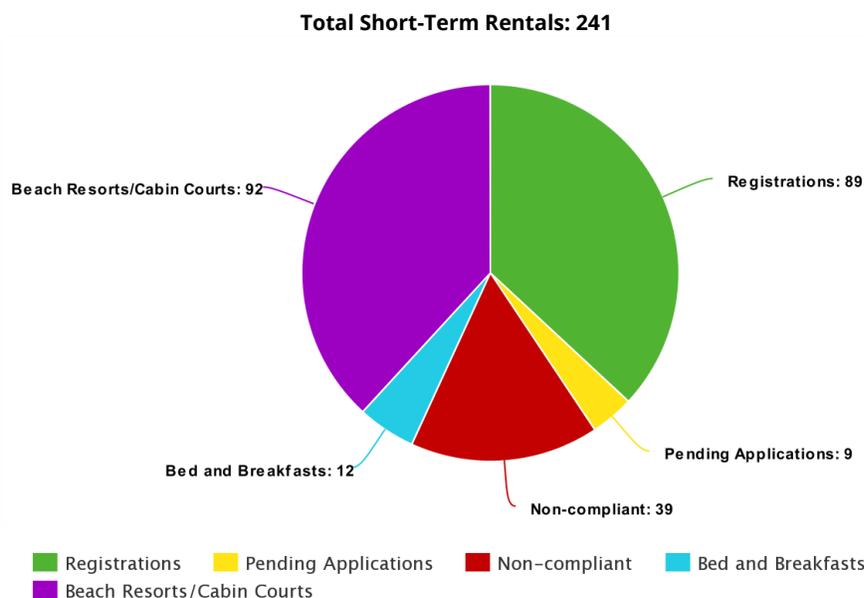
In addition to the properties that registered as short-term rentals in response to the "Possible Zoning Violation," 23 property owners ceased advertising their properties, 12 property owners were found to be "traditional bed and breakfasts" and therefore possibly subject to different regulations, and 39 property owners took no sort of action. These 39 property owners are currently being mailed a reminder "Possible Zoning Violation" letter, with the expectation they will comply with Ordinance 5 of 2019 or contact the township within two

two weeks of receiving the letter of "Possible Zoning Violation." The property owners that fail to register or make contact with the Township run the risk of being subject to a fine of not more than \$500.

Unregistered properties that were discovered since the mailing of the initial "Possible Zoning Violation" letters, and are also in the process of being notified of their possible violation, and likewise expected to come into compliance with Ordinance 5 of 2019.

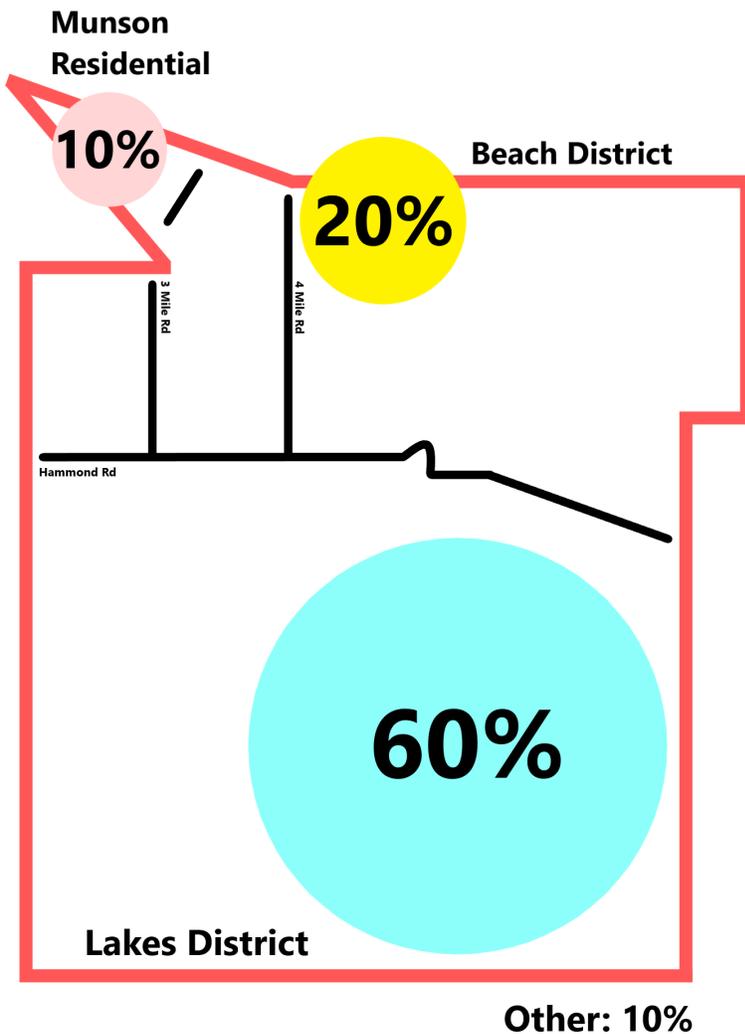
Only 7 short-term rental license applications have been denied, with the primary cause of denial being subdivision deed restrictions that forbid short-term rental activity. This low number of application denials seems to indicate that East Bay

**Fig. 1: Short-Term Rentals by Category**



meta-chart.com

**Fig. 2: Locations of Short-Term Rentals in East Bay Township**



**Host Compliance**  
HOST COMPLIANCE now a part of ORANICUS  
**Helps the Township**

To help the Township with the identification of short-term rentals, East Bay contracted with California company Host Compliance.

Host Compliance's services save the Planning & Zoning staff valuable time and resources from the time-consuming process of "crawling" the most popular short-term rental websites. The company can quickly verify the parcel numbers of rental units that are in possible violation.

Host Compliance also assists the Township by operating a 24/7 Short-Term Rental Hotline, which allows the Township to gather information and complaints on rentals in possible violation outside of regular business hours.

Finally, Host Compliance has saved staff-time by managing the mailing of violation letters.

has not been overly restrictive with the registration requirements of Ordinance 5 of 2019.

One area where short-term rentals have traditionally occurred is the hotel-resort and condominium properties along US-31 in the Beach District. short-term rentals in the district currently constitute 20% of advertised units (see Fig. 2), but have yet to be notified of any possible violations.

The Planning and Zoning Department has not taken any action on the hotel-resort and

condominium properties in the Beach District due to possible conflicts in applicability of Ordinance 5 of 2019 on these properties, and a potential future amendment to Ordinance 5 of 2019 which would explicitly exempt these properties from the ordinance.

Short-term rentals not found in the areas identified in Fig. 2 are scattered throughout the Township, but can be found primarily near the primary corridors, such as Hammond Rd, 3 Mile Rd, and 4 Mile Rd.

The number of short-term rentals  
 PC & BOT Special Meeting 03.17.2020

East Bay Township has remained relatively stable since Fall 2019, but the number could rise as the popularity of home-sharing increases, and peak tourism season nears. An increase in the short-term rental units in East Bay could make enforcement more difficult, and a spread of short-term rentals into residential areas traditionally unaccustomed to rentals could have growing pains. Currently, East Bay has a solid understanding of who is renting short-term rentals in the township.

*Jake Myers*  
 Planning & Zoning Intern