

RECORD OF ORDINANCES

ORDINANCE NO. _____
Amendments to #13

Township of Evangeline County of Charlevoix
Amendments to #13
Ordinance No. _____ enacted by the Board July 15, 1992
Published: July 20, 1992, within 10 days after enactment
Effective July 15, 1992.

Record of votes of Board Members:
(Yes or No)

	(Yes or No)		(Yes or No)
<u>Doug Shields</u>	(<u>Yes</u>)	<u>Michelle Cortright</u>	(<u>Yes</u>)
<u>Bruce Janssen</u>	(<u>Yes</u>)	<u>Mike Weeks</u>	(<u>Yes</u>)
<u>Linda Fry - Absent</u>	(<u> </u>)		(<u> </u>)

I CERTIFY that publication was made on July 20, 1992
within 10 days after enactment of ordinance.

Signed: [Signature], Township Clerk

THE TOWNSHIP OF Evangeline ORDAINS.

Signed

[Signature]
Supervisor

[Signature]
Clerk

EVANGELINE TOWNSHIP ZONING ORDINANCE

Adopted

Feburary 1990

Revised

July 1992

Section 6.03 - Lot Coverage.....	41
Section 6.04 - Wetland Provision.....	41
Section 6.05 - Setback Provision.....	41
Section 6.06 - Hazardous Substances.....	42
Article 7 - Special Land Uses.....	42
Section 7.01 - Purpose.....	43
Section 7.02 - Application Procedures.....	43
Section 7.03 - Basis Of Determination.....	46
Section 7.04 - Effective Date.....	48
Section 7.05 - Permit Validity.....	48
Section 7.06 - Requirements For Compliance.....	49
Section 7.07 - Once Granted A Special Land Use Permit.....	49
Section 7.08 - Specific Requirements.....	50
Article 8 - Site Plan Review.....	50
Section 8.01 - Purpose.....	50
Section 8.02 - Site Plan Review In Use Districts Required.....	50
Section 8.03 - Application For Site Plan Review.....	50
Section 8.04 - Site Plan Review And Approval.....	55
Section 8.05 - Procedures For Submission And Review.....	56
Section 8.06 - Distribution Of Copies and Action Alternatives.....	57
Section 8.07 - Standards For Granting Site Plan Approval.....	60
Section 8.08 - Conditional Approvals.....	65
Section 8.09 - Conformity To Approved Site Plan Required.....	66
Section 8.10 - Performance Guarantee.....	66
Section 8.11 - Amendments To Approved Site Plans.....	68
Section 8.12 - Appeals Of Final Site Plans.....	70
Section 8.13 - As Built Site Plan.....	70
Section 8.14 - Land Clearing.....	70
Article 9 - Fencing/Screening/Buffering/Landscaping.....	71
Section 9.01 - Purpose.....	71
Section 9.02 - Application.....	71
Section 9.03 - Landscape Plan Required.....	71
Section 9.04 - Screening Between Land Uses.....	72
Section 9.05 - Parking Lot Landscaping.....	73
Section 9.06 - Greenbelt Buffers.....	73
Section 9.07 - Site Landscaping.....	73
Section 9.08 - Minimum Size And Spacing Requirements.....	73
Section 9.09 - Landscape Elements.....	74
Section 9.10 - Installation And Maintenance.....	75
Section 9.11 - Fencing And Screening.....	75
Section 9.12 - Exceptions To Fencing And Screening Requirements.....	76
Section 9.13 - Materials For Fencing And Screening.....	77
Section 9.14 - Barrier Fences.....	77
Section 9.15 - Fire Hazard.....	77
Article 10 - Administration And Enforcement Of Ordinance.....	78
Section 10.01 - Zoning Administrator.....	78

ARTICLE 1

PREAMBLE

Section 1.01 - Title

- A. This Ordinance shall be known as the Evangeline Township Zoning Ordinance.

Section 1.02 - Purpose

- A. The purpose of the Ordinance is to:
1. Provide for the orderly development of the township while minimizing the impacts of incompatible adjoining land uses and preventing nuisances from interfering with the reasonable use and enjoyment of private property. In all cases, it is the purpose of this Ordinance to regulate the use of private property so that it does not adversely impact upon broader public interest;
 2. Insure the public health, safety and general welfare;
 3. Promote the use of lands and natural resources of the township in accordance with their character and adaptability and in turn, limit their improper use;
 4. Reduce hazards to life and property;
 5. Lessen congestion on the public roads and streets;
 6. Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used;
 7. Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;
 8. Conserve life, property and natural resources and the expenditure of funds for public improvements and service to conform with the most advantageous uses of land, resources and properties.

Section 1.03 - Authority

- A. This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan,

hold any divisible interest in land, whether recorded or not, who is seeking approval under any provisions of this Ordinance.

5. Basement: That portion of the building which is partly underground and which has most of its floor to ceiling height below grade.
6. Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.
7. Building Envelope: The principle building or structure intended for or constructed upon a lot, parcel or site condominium unit, together with any attached or detached accessory structures (e.g. for a residential use, the building envelope would refer to the dwelling unit and any structures accessory to the use of said dwelling such as garages, storage sheds, decks, etc).
8. Building, Height of: The elevation measured from the lowest exposed portion of the building above the groundline to the highest point of the roof.
9. Condominium Act: Michigan Public Act 59 of 1978 as amended.
10. Condominium Project: Any land developed under the provisions of the Condominium Act.
11. Dog Kennels: Dog kennels shall be defined as the keeping or harboring of three or more dogs, any of which are not owned by the owner of said parcel of land on which the dogs are harbored or cared for.
12. Dock: Any structure temporary or permanent in nature the sole use of which is to provide access to a body of water for swimming, fishing or boating. (Note: Decks shall not be considered as docks.)
13. Dwellings: Any building or part thereof, occupied as the home, residence and sleeping place of one or more persons, including mobile homes, except travel trailers, motels, and similar facilities offered to transients.
14. Dwelling, Single Family: A dwelling occupied by but one (1) family.
15. Dwelling, Two Family: A dwelling occupied by two (2) families and so designed and arranged as to provide

structure in compliance with the applicable building and fire codes. This square footage can be used for the purposes of complying with the floor area requirements of this Ordinance.

23. Green Belt Zone: Means an area of maintained natural vegetation between all structures on the property and the High Water Level Elevation that extends the entire width of the property.
24. Hazardous Substance: A chemical or other material which is or may become injurious to public health, safety, or welfare or to the environment.
25. High Water Level Elevation: For Lake Charlevoix this is the highest water level elevation for Lake Michigan/Huron as recorded by the United States Army Corps of Engineers, plus two (2) feet. For Walloon Lake this level is the elevation of the outlet dam or as set by the courts, plus one-half (1/2) foot. For all other lakes and streams this level is the 100 year flood plain elevation plus one-half (1/2) foot. (Note: The High Water Level Elevation shall be measured from that point upland from the body of water where the sustained elevation shall no longer fall below said High Water Level Elevation.
26. Highway: Any public thoroughfare, road or street, except alleys including Charlevoix County, Federal and State roads and highways.
27. Home Occupations: An occupation carried on entirely within a dwelling which is clearly secondary to the use of the premises as a residence. Not more than three (3) employees shall be permitted in the home occupation, two (2) of which must reside on the premises. The home occupation may not take place in the garage portion of the building or in any accessory structures, nor outside the dwelling, and may occupy no more than twenty-five percent (25%) of the floor area of the dwelling. A home occupation shall not result in increased traffic flow, the creation of offensive noise, odors, light, pollution of other types, or otherwise create a nuisance. No home occupation shall result in interior or exterior alterations to the structure.
28. Inoperable Vehicle: Includes any vehicle without a current license, registration or certification to operate in the air, on the water, or public street, road, highway or public right-of-way.

38. Lot Of Record: A parcel of property described by a legal instrument such as a warranty deed, quit claim deed, master deed or land contract recorded in the offices of the Charlevoix County Register of Deeds.
39. Mobile Home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.
40. Mobile Home Park: Any site, lot, field, tract, or parcel of land upon which two (2) or more occupied mobile homes are harbored either free of charge or for revenue purposes and shall include any structure, building, or enclosure used or intended for use as a part of the equipment of such park.
41. Net Acreage: Means the area of the lot excluding floodways, areas with slopes equal to or greater than eighteen (18%) percent as mapped in the Soil Survey of Charlevoix County, wetlands, easements, open spaces and similar unbuildable land other than designated open space.
42. Nonconforming Use: Use of property or structure that was lawful at the time of the adoption of this Zoning Ordinance or an amendment of this Zoning Ordinance, but which does not presently conform with the Zoning Ordinance requirements.
43. Parent Parcel: Any lot, parcel or site condominium unit from which other lots, parcels or site condominium units are created from. (Note: a series or combination of adjacent lots, parcels or site condominium units under common ownership shall be considered as a single parent parcel)
44. Planning Commission: The Evangeline Township Planning Commission established and whose duties are pursuant to the Township Planning Act P.A. 168 of 1959, as amended.
45. Principal Use: The main or central purpose (use) to which a lot or parcel is put. There shall be only one principal use per lot or parcel.
46. Private Road: A street, drive, or other thoroughfare used for passage to and from land which does not abut a public road, constructed and maintained to the standards outline in the Evangeline Township Private Road Ordinance. (Evangeline Township Ordinance # 14)

56. Site Condominium Unit: That portion of a condominium project designed and intended for separate ownership interest and use, as described in the Master Deed. Also defined as a Condominium Unit in the Condominium Act.
57. Soils, Class I: Soil Series with very slow to moderately slow permeability identified in the U.S. Soil Conservation Service Soil Survey of Charlevoix County or designated by the Charlevoix Soil and Water Conservation District as Soil Series in Soil Management Groups 1.5a, 2.5a, 3/2a, 4/2a, or 5/2a.
58. Soils, Class II: Soil Series with moderate to very rapid permeability identified in the U.S. Soil Conservation Service Soil Survey of Charlevoix County or designated by the Charlevoix Soil and Water Conservation District as Made Land (Ma) or Lake Beaches (Lb) or as Soil Series in Soil Management Groups Ga, 3a, 4a, 5a, 5.3a, 5a-h or Ra.
59. Soils, Class III: Soil Series designated as hydric by the USDA Soil Conservation Service identified in the Soil Survey of Charlevoix County or designated by the Charlevoix Soil and Water Conservation District as Soil Series in Soil management Groups 1c, 1.5c, 2.5c, 3b, 3c, 3/1c, 3/2b, 3/2c, 4c, 4/2c, 5c, Gbc, L-2c, L-Mc, Mc, Mc-a, M/mc, M/3c, M/4c, or Rbc.
60. Special Uses: Land uses which have unique characteristics that are potentially discordant with other uses in a district. Special uses are subject to review and approval under MCLA 125.286C through 125.21 of the Township Zoning Enabling Act, P.A. 169 of 1959, as amended.
61. Subdivision Control Act: Michigan Public Act 288 of 1967, as amended.
62. Structure: Any production or pieces of work artificially built up or composed of parts joined together in some definite manner, including but not limited to dwellings, decks, garages, buildings, satellite dishes, sewage disposal systems, drainfields, signs and signboards. This definition does not include incidental items such as birdhouses, birdbaths, utility poles, flag poles, swingsets, fences less than four (4) feet high, etc.
63. Tourist Home: A dwelling in which overnight accommodations are provided or offered to transient

GENERAL PROVISIONS

Section 3.01 - Zoning Map of Evangeline Township

- A. The Zoning Map of Evangeline Township and all information and proper notations shown thereon are hereby made a part of this Ordinance. Unless otherwise provided, the boundary lines of all zoning districts shall be interpreted as following along section lines or the division of sections such as quarter and eighth lines; or the centerline of highways, streets, and waterways, or the shoreline of water bodies; or the boundaries of incorporated areas, recorded plats or subdivisions; or property lines of legal record on the date of enactment of the Ordinance, or any extension of said lines. The Official Zoning Map of Evangeline Township shall be on display at the Township Hall.

Section 3.02 - Scope of Ordinance

- A. Except as otherwise provided, no land, or existing buildings, and no new structures, or part thereof, shall hereafter be located, erected, used or altered other than in conformity with the provisions of the Ordinance.

Section 3.03 - Essential Service Clause Pertaining To Utilities

- A. The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of the Township of Evangeline in any use district, provided that the above meet the setback and dimensional requirements of the respective districts and the Planning Commission is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained.

Section 3.04 - General Lot and Yard Limitations

- A. Non-Duplication: In determining lot and yard requirements, no area shall be counted as accessory to more than one (1) structure and no area necessary for compliance with the space requirements for one (1) building or use shall be

1.	Residential	R-1
2.	Medium Density Residential	R-2
3.	Multiple Use Residential	R-3
4.	Mobile Home Parks	R-4
5.	Commercial	C-1
6.	Industrial	I-1
7.	Rural Residential/Farm/Forest	RRF-1
8.	Recreational	R-C

Section 4.02 - Residential, R-1

- A. Purpose: This district shall cover pre-existing residential areas where small lots (less than 3 acres in area) presently predominate. Because of the small parcel sizes allowed in this District and the limited ability of soils to absorb sewage waste from individual septic tanks and to supply safe water from wells future expansion of this District shall only be into areas serviced by a minimum of primary and secondary sewage treatment. Other limited residential and public uses are permitted in this District via the special use permit procedure in order to insure compatibility with residential uses in this District.
- B. Use Regulations: Land, buildings and structures erected, altered, and/or used shall be for the following purposes only:
1. The principal use in this District shall be detached one-family and two-family dwellings.
 2. Where area and setback requirements allow, accessory uses customarily incidental to the preceding listed permitted uses such as decks, garages, storage sheds, etc.
 3. Home occupations as defined in Section 2.01A Part 27 of this Ordinance.
 4. Subdivisions and condominium projects which meet the density, lot area and setback requirements of this Ordinance, provided that when more than four lots platted under the Subdivision Control Act, P.A. of 1967 or any condominium projects regulated under the Michigan Condominium Act, P.A. 59 of 1978, are proposed, they shall require site plan approval

1. Front Yard Setback - The Front Yard Setback shall be not less than twenty-five (25) feet.
2. Side Yard Setback - The Side Yard Setback shall be not less than ten (10) feet.
3. Rear Yard Setback - The Rear Yard Setback shall be not less than twenty (20) feet.

Section 4.03 - Residential, R-2

- A. Purpose: The purpose of this zone district is to provide a stable and sound environment for single family detached dwellings in a moderately dense setting. This will be achieved by restricting uses and activities which are not appropriate in such an area. This zone district will be located at the fringes of higher density development and shall be served by an approved water and primary and secondary sewage systems.
- B. Use Regulations: Land, buildings and structures hereafter erected, altered and/or used shall be for the following purposes only:
 1. The principal uses in this District shall be detached single family or two-family dwelling units.
 2. Where area and setback requirements allow, accessory uses customarily incidental to the preceding listed permitted uses such as decks, garages, storage sheds, etc.
 3. Special uses may be authorized in this district provided that an application is submitted for a Special Use Permit and is approved in accordance with procedures, provisions and standards of Articles 7, 8 and 9 of this Ordinance. Special uses include the following: Parks, playgrounds and other recreational facilities, churches, schools, libraries, convalescent homes and day care centers.
- C. Size of Premises
 1. Parcels of land upon which dwelling units are hereafter erected shall contain not less than fourteen thousand (14,000) square feet per dwelling unit.
 2. Any lot hereafter created in this district shall have a minimum of one hundred feet of frontage on either a highway or a private road. In cases where a parent parcel is developed under the provisions of the Condominium Act the minimum frontage required of said

1. To provide a more desirable living environment by preserving the natural characteristics of open fields, stands of trees, flood plains, bodies of water, and similar natural assets.
2. To allocate lands within the township to accommodate dwelling units with shared open spaces and recreation areas.
3. To develop common openspace areas and recreational facilities in a central location, within reasonable distance of all dwelling units.
4. To insure the continued desirability and stability of the township by encouraging variety in the physical development of the township through a mixture of housing types.

Section 4.04(b) - Use Regulations

- A. Land, buildings and structures, erected and (or) altered in this district shall be for the following purposes only:
1. Single or Multiple family dwelling units
 2. Playgrounds, parks, tot lots, open spaces and noncommercial recreational uses, either enclosed or in the open, for the use of occupants only.
 3. Accessory uses customarily incidental to the preceding listed permitted uses, but not limited to, off-street parking, as required by provisions of this Ordinance.
- B. Area Regulations.
1. The borders of any building envelopes shall be setback a minimum forty (40) feet from any public or private road.
 2. The borders of any building envelope shall be set back a minimum of fifteen (15) feet from the borders of any other building envelope.
 4. Not more than fifteen (15%) percent of each parcel in this zoning district (R-3) may be occupied by impervious surfaces which shall limit the free infiltration of precipitation.
 5. Not more than four (4) dwelling units per acre of net acreage shall be permitted in this zoning district.

prior to the approval of the site plan by the Planning Commission.

Section 404(d) - Siting Criteria For Lots and Site Condominium Units

- A. Lots and Site Condominiums created under provisions of this District shall be sited in such a manner that their subsequent building envelopes shall meet the following siting criteria.
1. Building envelopes shall be clustered around and take their access from a private road instead of each fronting on a public road. Said access shall meet Township standards for private roads or be constructed to Charlevoix County Road Commission standards and specifications.
 2. Borders of building envelopes shall also be located a minimum of sixty (60) from the borders of other building envelopes or one hundred (100) feet from the side or rear lot lines of the parent parcel.
 3. Building envelopes the borders of which shall cover the dwelling unit and any other structures accessory to the dwelling unit (e.g. garages, storage sheds, etc) shall be sited to the greatest extent feasible, to meet the following criteria (listed below in order of priority, as it is recognized that some situations may not exist or may conflict with others on any give site):
 - a. on soils not considered "hydric" by the USDA Soil Conservation Service;
 - b. in order to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features, building envelopes shall be located within the marginal edges of any woodlands where woodlands comprise fifty (50%) percent or less of the parent parcels area or in any location in woodlands where woodlands comprise more than fifty (50% percent of the parent parcels area. A maximum of fifty (50%) percent of said marginal edges may be used for such purposes. Marginal edges shall extend a maximum of two hundred (200) feet into the interior of said woodlands);
 - c. on areas not designated as of prime agricultural or forest soils. In situations where it is necessary to locate building envelopes in said or

- A. The maximum height of any structure in this district shall not exceed thirty (30) feet.
- B. The horizontal distance measured in feet between parallel or nearly parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.
- C. Not less than two (2) off-street parking spaces shall be required for each dwelling unit. Such parking shall be so placed so as not to interfere with any recreation or service area and shall not be less than twenty-five (25) feet from any property lines or street or private road right-of-way lines.
- D. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete, grasscrete or similar materials.
- F. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided and shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of the access way or automobile parking facilities.
- G. Provisions shall be made for safe and efficient ingress and egress to the public streets and highways servicing this District without undue congestion or interference with normal traffic flow.
- H. All new utility lines (power, telephone, water, gas, cable TV) serving structures in this District shall be placed underground.
- I. Where applicable the site plan should include such amenities such as community areas, laundry facilities, playground and tot lots, and other services necessary for the comfort and convenience of the residents.
- J. In wooded areas clearing shall be allowed for roads & building envelopes. The remaining wooded areas may be judiciously trimmed or thinned to allow for filtered views and to remove dead and dying trees. However the total basal area of trees remaining shall not be less than sixty (65) square feet per acre.
- K. Dwellings and Accessory Structures shall be served by sanitary sewers providing at a minimum primary and secondary treatment

B. Use regulations: Land, buildings and structures, erected and/or altered shall be for the following purposes only:

1. Stores and shops for the conduct of generally recognized retail businesses when conducted within buildings having a roof and totally enclosed by walls.
2. Personal service shops, such as barber shops, beauty parlors shoe and tire repair shops, laundry and dry cleaning pickup shops.
3. Professional offices.
4. Banks, restaurants, dressmaking, tailoring, millinery and photographic.
5. Public owned buildings and public utility buildings.
6. Telephone exchanges and substations without service or storage yards, community clubs, fraternal lodges and similar civic and social organizations, when not operated for profit.
7. Accessory uses customarily incidental to any of the above permitted or approved uses.

C. A Site Plan Review shall be conducted for any permitted use in this zoning district in accordance with Articles 8 and 9 of this Ordinance.

D. Size of Premises:

1. There shall be a one (1) acre minimum lot area with a minimum lot width of two hundred (200) feet on any highway or private right-of-way in this zoning district.

E. Setbacks and Yards

1. Front Yard Setback - The Front Yard Setback shall be not less than fifty (50) feet.
2. Side Yards - The Side Yard Setback shall be not less than ten (10) feet except where buildings are abutted and a suitable driveway of twelve (12) feet (minimum) is provided at one side of each building.
3. Rear Yards - Every building hereafter erected (or altered) shall provide a rear yard no less than ten (10) feet in depth and such yard shall be kept open and unobstructed for access of firefighting equipment.

3. Rear Yard Setback - The Rear Yard Setback shall be not less than ten (10) feet in depth. Such yard shall be kept open and unobstructed for access of firefighting equipment.
- F. Height of Building - No building shall be hereafter erected (or altered) exceeding a height of thirty (30) feet.

Section 4.08(a) - Rural Residential/Farm Forest District

- A. This District shall be named the Rural Residential/Farm Forest District RRF-1

Section 4.08(b) - Statement of Purpose

- A. This district is established to achieve the following goals through flexible innovative regulation as outlined in this Ordinance:
 1. To recognize and promote a pattern of development which will allow future development to occur while simultaneously preserving the open space and rural character within Evangeline Township.
 2. To insure that land areas within Evangeline Township which due to soils, climate and topography are well suited for production of food, feed or fiber, are retained for such production unimpeded by the establishment of incompatible uses which would hinder farm and forestry operations and irretrievably deplete agricultural and forest lands.
 3. To preserve woodlands and wetlands which because of their natural physical features, are useful as water retention and groundwater recharge areas and as habitat for plant and wildlife.
 4. It further the purpose of this district to:
 - a. protect existing public investment in infrastructure (especially public roads);
 - b. prevent a density of housing so great that new infrastructure and public services are needed;
 - c. insure the adequacy and serviceability of private roads.
- B. Inclusion of areas in the Rural Open Space\Farm Forest district boundaries are based on:

Section 4.08(d) - Lot Creation

- A. Lots or site condominium units less than thirty (30) acres in area created in this district after the date of adoption of this ordinance and the subsequent building envelopes located on said lots or site condominiums shall conform to the following provisions:
1. Lot division: Said lots or site condominium units shall only be created from:
 - a. preexisting parent parcel(s) legally created and a lot of record before date of adoption of this Ordinance;
 - b. or parent parcels thirty (30) acres or greater in area and a lot of record created after the date of adoption of this Ordinance.
 2. Number of lots or site condominium units and subsequent building envelopes allowed per parent/parcel(s): The maximum number of lots or site condominiums (including designated open space land) which may be created on said parent parcel(s) shall be one (1) per three (3) acres of said parent parcel(s) area.
 3. Parcel size: There will be no minimum (except as required by District Health Department #3 for onsite septic systems) or maximum parcel size. Rather, the total area of all new lots or site condominium units (except for designated open space) shall not exceed thirty-three (33%) percent of the total parent parcel(s) preexisting area.
 4. Preservation of open space: A minimum of sixty seven (67%) percent of said parent parcel(s) preexisting area shall remain as a single contiguous parcel and be designated as open space. (Note: Neither public right-of-ways or water bodies that are not totally within the borders of the parent parcel shall be included in the calculation of parent parcel size or open space area)

Section 4.08(e) - Allowable Uses and Regulation Of Designated Open Space

- A. Uses allowed on lands designated as open space include:
1. Sewage treatment facilities and septic system drainfields servicing lots or site condominium units created from the parent parcel.
 2. Noncommercial recreation

dwelling units are clustered, each cluster should contain not more than ten (10) building envelopes). Said access or road shall meet Evangeline Township standards for private roads or be constructed in accordance with Charlevoix County Road Commission Road Construction Standards and Specifications.

2. Borders of building envelopes shall be located a minimum of fifty (50) feet from the borders of other building envelopes or fifty (50) feet from the side or rear lot lines of the parent parcel said lots or site condominium units were created from or on.
3. Building envelope borders covering the dwelling unit and any other structures accessory to the dwelling unit (e.g. garages, storage sheds, etc) shall be sited to the greatest extent feasible, to meet the following criteria (listed below in order of priority, as it is recognized that some situations may not exist or may conflict with others on any give site):
 - a. on soils not considered hydric or containing hydric inclusions as determined by the USDA Soil Conservation Service;
 - b. to reduce impact upon agriculture and openspace areas, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features, building envelopes shall be located within the marginal edges of any woodlands where woodlands comprise fifty (50%) percent or less of the parent parcels area or in any location in woodlands where woodlands comprise more than fifty (50% percent of the parent parcels area. A maximum of fifty (50%) percent of said marginal edges may be used for such purposes. Marginal edges shall extend a maximum of two hundred (200) feet into the interior of said woodlands);
 - c. on areas not actively being used for agricultural purposes or on soils not designated as:
 - 1) Prime, unique or important farmland soils;
 - 2) or timberland soils important on a national or regional basis.

In situations where it is necessary to locate building envelopes in said areas or soils, it shall be done in a manner which shall maximize the

setback areas shall be part of said designated open space. Except for the planting of trees or shrubs said setback areas shall remain in an undisturbed state.

Section 4.08(g) - Site Plan Review Requirements And Approval

A: The Planning Commission shall review and approve the creation of new lots or site condominiums less than thirty (30) acres in area in this District. Prior to approval the applicant shall provide to the Planning Commission with a Site Plan drawn to an appropriate scale. Said Site Plan shall at a minimum contain the following information:

1. Name and address of the applicant
2. Boundaries and dimensions of existing parcel(s).
3. Location of existing structures.
4. Location of hydric soils or soils containing hydric inclusions (as per the Soil Survey of Charlevoix County).
5. Location of prime, unique and important farmland soils (as per the USDA-Soil Conservation Service/ Charlevoix County Soil and Water Conservation District).
6. Location of prime timberland soils or timberland soils of regional importance (as per the Northwest Michigan Prime Forestlands Identification Project).
7. Location of existing cover types/uses such as agricultural lands, forestland, other open spaces, wetlands, etc..
8. Location and dimensions of proposed lots, site condominium units, designated open space lands, building envelopes, common recreation facilities, private roads, joint sewage treatment facilities or septic systems.
9. Location of greenbelt areas as well as a list of species and plant spacing to be planted at in said greenbelt.
10. Other items that the Planning Commission or deems necessary to insure compliance with this Ordinance.

B. In addition to the Site Plan the applicant shall provide copies of language for the conservation easement or other restrictive covenants to cover the designated open space

centers and other public buildings owned and operated by a governmental agency or a nonprofit neighborhood group.

6. All commercial natural resource extractions, mining or relocation, including sand or gravel, but specifically exempting cases where land grades are changed in connection with erection or construction of any roads.

Section 4.08(j) - Development Standards

A. The following site development standards applying to all uses except as noted:

1. Except for golf courses, country clubs, public owned recreation facilities or private landings strips and associated facilities to said uses, the maximum lot area for all other special land uses allowed in Section 4.08i shall be ten (10) acres,.
2. Except where otherwise specified in this Ordinance the maximum lot coverage of impervious surfaces shall be twenty (20%) percent.
3. The borders of building envelopes shall be located a minimum of twenty five (25) feet from any public or private road right of way.
4. Except for farm buildings or as otherwise specified in this Article the borders of building envelopes shall be setback a minimum of twenty five (25) feet from any rear or side lot lines.
5. The maximum height shall be thirty five (35) feet or two and one half (2 1/2) stories, which ever is less.
6. The floor area of every single family dwelling unit hereafter erected in this district shall be greater than seven hundred twenty (720) feet. In cases where dwelling structures contain a full basement, the minimum floor areas shall be six hundred and fifty (650) square feet.

B. The following qualifications and exceptions also apply:

1. The maximum height of farm buildings shall be one hundred (100) feet. All farm buildings over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.

portion of the township for storage, use as a dwelling or for overnight stops outside of a licensed mobile home park.

Section 5.03 - Mobile Home as Temporary Dwelling Unit

- A. In Residential zones it shall be lawful for any person or persons to occupy a mobile home or house trailer as a single family dwelling while such person or persons are building a permanent residence, provided:
 - 1. Such mobile home meets the square footage requirements of this Ordinance and meets the provisions of Section 5.01 of this Ordinance.
 - 2. That the parcel contains sufficient size and frontage to allow the parcel to be split into two lots or site condominium units.
 - 3. Each building envelope shall be located on the parcel in such a manner so as to meet all setback requirements should the parcel be split.
- B. Permission to occupy a mobile home while the occupants are building a permanent residence must be obtained from the Zoning Administrator.

Section 5.04 - Screening Between Land Uses

- A. Screening shall be required and maintained for any Commercial C-1, Industrial I-1, or Mobile Home Park R-4 use that abuts a residential or agricultural use on either side yard or rear yard, per provisions of Section 9.04 of this Ordinance.

Section 5.05 - Vehicular Parking Space and Access

- A. For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the township, including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable off-street parking in accordance with the following schedule:
 - 1. Residential Uses: Two (2) parking spaces per dwelling unit.
 - 2. Commercial, Service and Office Uses: Two parking spaces plus three (3) square feet of parking area per square foot of gross floor area.

impose greater restrictions than herein set forth, then the provisions of such Ordinance or statute shall take precedence.

B. The following signs are permitted in the following zoning districts:

1. DISTRICT: R-1; SIGN TYPE: On-premise sign advertising a public or quasi-public use. Such signs shall not exceed twelve (12) square feet in area. For home occupations no more than one non-illuminated nameplate not exceeding four (4) square feet in area containing the name of the person and occupation shall be allowed. Each sign shall be located at least twenty (20) feet from road right-of-way. Where applicable, there shall be no more than one (1) sign for each street upon which the property faces.
2. DISTRICT: R-2; SIGN TYPE: A non-illuminated freestanding sign advertising a recorded subdivision or development. Such sign shall not exceed twenty-four (24) feet in area and shall be placed no closer than ten (10) feet to street right-of-way.
3. DISTRICT: R-3; SIGN TYPE: A non-illuminated, freestanding sign advertising a recorded subdivision or development. Such sign shall not exceed twenty-four (24) square feet in area and shall be placed no closer than ten (10) feet to a street right-of-way.
4. DISTRICT C-1; SIGN TYPE:
 - a. On-premise sign advertising a public or quasi-public use. Such signs shall not exceed twelve (12) square feet in area. There shall be no more than one (1) sign for each street upon which the property faces.
 - b. On-premise sign advertising the permitted professional or office use. Such sign shall not exceed six (6) square feet and, if illuminated, the light source may not be visible from adjacent properties. There shall be no more than one (1) such sign for each permitted use.
 - c. Free on standing directory signs advertising businesses or activities conducted, an area of interest, or a service available on the premises. Such signs shall not exceed twenty-four (24) square feet, and there shall be no more than one (1) sign for each street upon which the property faces. Such sign shall convey only identification

- b. On-premise sign advertising the permitted profession or office use. Such sign shall not exceed six (6) square feet and, if illuminated, the light source may not be visible from adjacent properties.
- c. Freestanding directory signs advertising businesses or activities conducted, an area of interest, or a service available on the premises. Such signs shall not exceed twenty-four (24) square feet, and there shall be no more than one (1) sign for each road upon which the property faces. Such signs convey only identification of the permitted uses on the property on which the sign is located.
- d. In this District directional signs shall be allowed at the intersections of state highways and county primary roads for business located on said county primary road. Said signs shall conform to the following restrictions and requirements.
- 1) Only one (1) directional sign shall be allowed per intersection.
 - 2) Said sign shall contain up to a maximum of four (4) panels.
 - 3) Each panel may display only the business logo, name and distance to of a single business. Said display may be on both sides of the panel. Priority shall be given to businesses located within the Township where sales and service are preformed on the premises.
 - 4) Lettering on each panel shall be of the Helvetica Medium typeface and shall be of uniform size and spacing from panel to panel. The background color of each panel shall be Blue 3M Scotchlite Premium Reflective Sheeting or equivalent color if not reflective. The lettering color shall be White 3M Scotchlite Premium Reflective sheeting or equivalent color if not reflective. Support post shall be painted to a non reflective blue color that matches the background color of the panels on said sign. Background and letter colors or materials shall match from panel to panel on a sign.

- A. Every building hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, recreational, business, commercial or industrial purposes, including churches, schools and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system, and with means for collecting and disposal without unacceptable risk of groundwater contamination, of all human excreta and of all water carried domestic, commercial, industrial, and other wastes that may adversely affect health conditions. The written approval of such facilities by the District Department of Health No. #3, Charlevoix, shall be filed with application for a Zoning Permit as hereinafter provided.

Section 6.02 - Green Belt Zone Provision

- A. Any land uses abutting a lake, river or stream within Evangeline Township shall have a Green Belt Zone which has a minimum depth of thirty five (35) feet (Note: The Green Belt Zone shall not start below the High Water Elevation as defined in this Ordinance). Vegetation shall remain in an undisturbed or natural state. Minimal selective pruning is allowed in order to afford a view of the water. No lawn shall be maintained between the Green Belt Zone and waters edge, nor shall application of supplemental plant nutrients be allowed in the Green Belt Zone or between the Green Belt Zone and the waters edge.

Section 6.03 - Lot Coverage

- A. A maximum of twenty (20%) percent lot coverage shall be allowed on any parcels within five hundred (500) feet of any lake, river or stream within Evangeline Township, except where a smaller lot coverage is required by this Ordinance.

Section 6.04 - Wetlands Provision

- A. No building envelope shall be sited area adjacent to a lake, river or stream deemed as a hydric soil by the USDA Soil Conservation Service or as a wetland by the Michigan Department of Natural Resources or U.S. Army Corps of Engineers if an upland alternative exists on the lot or site condominium unit where said area is located. In those cases where there is no upland alternative, no structure shall be constructed until the landowner has complied with provisions of Article 8 of this Ordinance.
- B. Lot coverage in areas deemed as wetlands will be no greater than five (5) percent.

Section 6.05 - Setback Provision

This Article hereby authorizes the Planning Commission to issue special land use permits, provided:

- A. The proposed use is one listed as a special land use for that district in which said use is proposed to be located.
- B. The Planning Commission insures before approving a special land use permit request that both:
 - 1. The standards of the district in which the special land use is to be located are fulfilled.
 - 2. The standards or other requirements of this Article are fully complied with.

Section 7.02 - Application Procedures

- A. An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:
 - 1. Applicant. Any person owning or having an interest in the subject property may file an application for one or more special land use permits provided for in this Ordinance in the zoning district in which the land is situated.
 - 2. Application. Applications for special land use permits shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Evangeline Township Board of Trustees to cover the costs of processing the application. No part of any fee shall be refundable.
 - 3. Required Information. Six (6) copies of an application for a special land use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information:
 - a. A special land use application form supplied by the Zoning Administrator which has been completed in full by the applicant.
 - b. A site plan, as per provisions of Article 8 of this Ordinance.
 - c. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Section 7.03, and other standards imposed by the Ordinance

- b. Indicate the property which is the subject of the special land use request;
 - c. State when, where and at what time the public hearing on the special land use request will be considered; and
 - d. Indicate when and where written comments will be received concerning the request.
7. As a result of the notice given above, a public hearing shall be held before a decision on a request for a special land use is made, with notification as provided in the same manner stated above at the initiative of either:
- a. The Planning Commission;
 - b. Or upon the request of the applicant for a special land use permit;
 - c. Or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use permit.

If the applicant at the time of filing the application or the Planning Commission prior to scheduling formal consideration of the application, requests a public hearing, only notification of the public hearing need be made, thereby skipping the publication of notice than an application for a special land use has been received.

8. Review and Approval. The review of an application and site plan requesting a special land use permit shall be made by the Planning Commission in accord with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, it shall not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. A site plan and application for a special land use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable County, State or Federal laws, rules or regulations. Approval and issuance of a special land use permit shall signify prior approval of

that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.

1. General Standards. The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The special land use shall not inappropriately change the essential character of the surrounding area.
- c. The special land use shall not interfere with the general enjoyment of adjacent property.
- d. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
- e. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
- f. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.
- g. The special land use shall not place demands on public services and facilities in excess of current capacity.
- h. The special land use shall be consistent with the intent and purpose of this Ordinance, and the

- A. Approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
- B. In instances where development authorized by a special land use permit has not commenced within one year from the date of issuance or the last date of review authorized by this subsection, the Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this Ordinance applicable to the special land use permit under review, such that the permit is no longer in conformance with the requirements of this Ordinance, the permit shall become null and void. Where it is determined that such permits are in conformance with the provisions of this Ordinance, and there has not been a change in conditions affecting the validity of the permit, the special land use permit shall remain valid, subject to periodic review in accord with the provisions of this subsection.

Section 7.06 - Requirements for Compliance

- A. It shall be the duty and obligation of the owner(s) and occupant(s) or operator(s) of land and uses subject to a special land use permit and approved site plan therefore, that the continued use of such land shall at all times be in compliance with the use requirements of this Ordinance. Failure thereof shall be violation of this Ordinance and subject to the penalties and remedies provided in Article 9 10 and the continuance thereof is declared to be a nuisance per se.

Section 7.07 - Once Granted a Special Use Permit, the Use Is a Permitted Use.

- A. Any use for which a special land use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:
 - 1. Such permit was issued in conformity with the provisions of this Ordinance; and
 - 2. Such permit shall be deemed to effect only the lot or portion thereof and uses thereupon for which the special land use permit shall have been explicitly granted; and
 - 3. Such permit authorizes a use which is subsequently built, operated and maintained in compliance with the

5. All special land uses in all districts such as, but not limited to: Churches, schools, public facilities and similar uses.
6. All uses subject to the requirements of the Subdivision Control Act of 1967, as amended (MCLA 560.101 et seq).
7. Except where otherwise specified in this Ordinance All parcels of land developed pursuant to the Condominium Act (MCLA 559.101 et seq).
8. All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure and which do not fall under the requirements of the Subdivision Control Act of 1967, as amended (MCLA 560.101 et seq).
9. All developments or uses in wetlands or 100 year floodplains, including individual single family homes for which a permit is required by the Michigan Department of Natural Resources and/or United States Army Corps of Engineers.
10. Business and Industries in all Districts which in a month store, use or generate hazardous substances as defined, in quantities greater the than 25 gallons or 220 pounds whichever is less.

Section 8.03 - Application for Site Plan Review

- A. An application for Site Plan Review shall be submitted to the Planning Commission. The detailed site plan presented for consideration shall contain all information required in this Ordinance.
 1. Each submittal for Site Plan Review shall be accompanied by an application and site plan in the quantities specified in Section 8.06. The application shall at a minimum, include the following information:
 - a. The applicant's name, address and telephone number in full.
 - b. Proof of property ownership, and whether there are any options on the property, or any liens against it.
 - c. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.

- a. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- b. Existing topographic elevations at two foot intervals, proposed grades and direction of drainage flows.
- c. The location and type of existing soils on the site and any certifications of borings.
- d. Location and type of significant existing vegetation.
- e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains and wetlands.
- f. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures.
- g. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, lightpoles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening, where applicable.
- h. Location of existing public roads, right-of-way and private easements of record and abutting streets.
- i. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
- j. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication or all spaces and method of surfacing), fire lanes and all lighting thereof.
- k. Location, size and characteristics of all loading and unloading areas.

- w. Identification of any significant views onto or from the site to or from adjoining areas.
- x. The Planning Commission may require scale models of proposed development which are of a large magnitude or with unusual characteristics.
- y. North arrow, scale and date of original submittal and last revision.
- z. For facilities or uses where hazardous substances as defined are stored, used or generated, the following information shall be required.
 - 1) Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - 2) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - 3) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater. The point of discharge for all drains and sumps.
 - 4) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
 - 5) Copies of all Federal/State/County permits required.
- aa. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the plan. This requirement may be waived by the Planning Commission in cases where single family residences are being constructed on wetlands.
- ab. Other information deemed necessary by the Planning Commission.

Section 8.04 - Site Plan Review and Approval

requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

- C. Preliminary Site Plan Approval. The second phase is called Preliminary Site Plan Approval. At this step a preliminary site plan meeting the submittal requirements of this Ordinance is reviewed by the Planning Commission and the changes necessary, if any, for final site plan approval are indicated in writing to the applicant.
- D. Final Site Plan Review. Final Site Plan approval shall be by the Planning Commission. The Planning Commission shall indicate in writing that all requirements of the Ordinance including those of other reviewing agencies have been met including any conditions that may be necessary. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals is necessary before final site plan approval can be granted. An approved site plan shall include a note referencing the case number and date of all variances granted.

Section 8.06 - Distribution of Required Copies and Action Alternatives

- A. Where Site Plan Review is required by this Ordinance, an applicant for Site Plan Approval shall complete and submit six (6) copies of an Application for Site Plan Approval, site plans and other information where applicable.
 - 1. The Application for Site Plan Approval is obtained from the Planning Commission. The applicant is asked to keep one copy for his/her records. The applicant shall return the original and five (5) copies of the application to the Planning Commission at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission for the purpose of preliminary site plan review.
 - 2. Application fees as found in the Evangeline Township Fee Resolution must be paid when the application is submitted and sufficient escrow accounts must be established to cover the projected review costs.
 - 3. The applicant shall take one (1) copy of the Application for Site Plan review and two (2) copies of the site plan to the following agencies:
 - a. Charlevoix County Soil & Water Conservation District.
 - b. Charlevoix County Road Commission.

6. When a site plan is reviewed and approved or disapproved by the Planning Commission and all steps completed, three (3) copies of the site plan will be marked by the Planning Commission for the following distribution:
 - a. One (1) copy returned to the applicant signed by the Chairperson of the Planning Commission including any conditions of approval.
 - b. One (1) copy forwarded to the Planning Commission Secretary for filing.
 - c. One (1) copy forwarded to the Zoning Administrator.
7. Upon Final Site Plan Approval by the Planning Commission, a Zoning Permit may be obtained.
8. Failure to initiate construction of an approved site plan within 365 days of approval shall require the applicant to appear before the Planning commission and demonstrate why the approval should not be revoked. After a hearing the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:
 - a. An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency.
 - b. Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them.
 - c. A change in state law, local charter, or other local Ordinance affecting the previous approval has occurred.
 - d. Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.
9. Thirty days prior to expiration of an approved site plan pursuant to Section 8.06, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current

6. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
7. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height.
9. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets nor add to the visual light pollution of adjacent properties.
10. All areas provided for use or parking by vehicles shall be surfaced with bituminous asphalt, concrete, grasscrete or similar materials.
11. Except where otherwise allowed in this Ordinance Lots on lands developed pursuant to the Subdivision Control Act, P.A. 277 of 1967, and lands developed pursuant to the Condominium Act, P.A. 59 OF 1978, shall conform with the following requirements:
 - a. All streets shall be paved and constructed to meet or exceed Charlevoix County Road Commissions Standards and Specifications.
 - b. Sanitary sewers providing a minimum of primary and secondary treatment shall be required for subdivisions where lot sizes are three (3) acres or less or in condominium projects where more than one dwelling unit per three (3) acres is planned. In situations where treated effluent shall be discharged directly into a surface water body additional treatment may be required. In no case shall effluent be allowed to degrade the surface or groundwater resources.
 - c. All utility lines (power, telephone, water, gas, cable TV) serving these parcels shall be placed underground.

- j. The location of earth stockpiles, machinery, equipment and any buildings, shall be approved by permit but only in terms to protect adjoining properties and obtain the optimum use of the site. Topography, vegetation, screening devices, and physical isolation from residential properties shall be considered in locating site facilities and earth stockpiles.
 - k. The final grading and land reclamation plan for each permitted excavation shall be in general accordance with the character of uses and natural features on adjoining lands to the extent practical. All reclamation, grading and seeding practices shall be done per USDA Soil Conservation Service standards and specifications.
 - l. Specific site reclamation requirements may vary somewhat depending on the location of the site in terms of its exposure to view, physical isolation, influence on residential areas, sensitivity to the natural environment and/or reuse potential (or plan). The Planning Commission shall rule on such variations with reasons stated.
13. For recreational uses that have inland lake frontage, the following limitations shall be established:
- a. Camping is not permitted except as an accessory function of a larger resort complex.
 - b. Vehicle parking is permitted only as necessary for reasonable access to the location.
 - c. If a lakefront park or playground is being developed as part of a subdivision, plat, condominiums or any form of development a minimum of thirty (30) feet of usable shoreline per off-lake lot shall be used as a guideline.
 - d. Boat docks shall not exceed one (1) per 150 feet of lot width. The location of any dock must respect adjoining property uses.
 - e. Not more than three (3) motor powered crafts shall be moored per 150 feet of lot width.

- 2) A minimum setback of two hundred (200) feet from the high water elevation for all structures or impervious surfaces excluding a boardwalk for access of the waterbody. (Boardwalks shall have a maximum width of eight (8) feet.)
 - 3) An undisturbed Greenbelt Zone (accept for a boardwalk) two hundred (200) feet in depth shall be maintained.
 - 4) The maximum lot area coverage on such parcels shall be five (5) percent.
18. For sites where hazardous substances as defined are stored, used or generated the following standards shall apply:
- a. Said sites shall be designed in such a manner to prevent spills and (unless permitted by state or federal statute) discharges to the air, surface or the ground, groundwater, lakes, streams, rivers or wetlands.
 - b. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - c. General purpose floor drains shall only be allowed if they are connection to a public sewer system providing primary, secondary and tertiary treatment, or an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.

Section 8.08 - Conditional Approvals

- A. The Planning Commission may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to the Charlevoix Soil and Water Conservation District, County Drain Commission, County Road Commission, County Building Department, District Health Department #3, State Highway Commission or Department of Natural Resources. They may do so when such conditions:

the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

1. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Planning Commission.
2. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Treasurer prior to the issuance of a Zoning Permit by the Zoning Administrator for the development and use of the land. Upon the deposit of the performance guarantee the Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.
3. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
4. In the event the performance guarantee deposited is a cash deposit or certified check, the township shall rebate to the applicant fifty (50%) percent of the deposited funds when sixty (60%) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50%) percent of the deposited funds when one hundred (100%) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the Zoning Ordinance standards and the specifications of the approved site plan.
5. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

6. A reduction in required pavement widths or utility pipe sizes.
7. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.

B. No fees shall be required for the following minor amendments:

1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, or shortening of building canopies.
2. Changing to a more restricted use provided there is no addition in the amount of off-street parking as originally provided.
3. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below Ordinance requirements.
4. Moving of ingress and egress drives a distance of not more than one hundred (100) feet if required by the appropriate State, County or other local road authority with jurisdiction.
5. Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects.
6. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
7. Increase peripheral yards.
8. Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected.

C. If the Zoning Administrator finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she shall immediately notify the permit holder, the Building Inspector and the Planning Commission in writing

- A. No person shall undertake or carry out any such activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith for which site plan approval or a Zoning Permit is first required by this Ordinance, nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permit, wetland permits, or floodplains permits. Any violation of this provision is subject to the fines and penalties prescribed in Article 10 of this Ordinance for each day of the violation from the day of discovery of the incident until an approved restoration plan, or an approved site plan is granted.

ARTICLE 9

FENCING/SCREENING/BUFFERING/LANDSCAPING

Section 9.01 - Purpose

- A. The intent of this section is to promote the public's health, safety, and general welfare by: Minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between compatible land uses; regulating the appearance of property abutting public right-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

Section 9.02 - Application

- A. These requirements shall apply to all uses for which site plan review is required under Article 8. No site plan shall be approved unless said site plan shall show landscaping, greenbelt buffers and screening consistent with the requirements set forth herein. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing, or other materials as specified in this Article. Fencing is the enclosure of an area by the materials identified in Section 9.11 of this Article.

Section 9.03 - Landscape Plan Required

- A. A separate detailed landscape plan shall be required to be submitted as part of a Site Plan Review. The landscape plan shall include, but not necessarily be limited to, the following items:
1. Location, spacing, size, and root type [(bare root (BR) or balled and burlaped (BB)] and descriptions for each

- B. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall may be required. Such wall shall be six (6) feet or more in height as measured on the side of the proposed wall having the higher grade.

Section 9.05 - Parking Lot Landscaping

- A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with a minimum landscaped space within a designated parking area of fifty (50) square feet. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

Section 9.06 - Greenbelt Buffers

- A. A strip of land with a minimum width determined by the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street, freeway, or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of 2 1/2 inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural living, landscape material.
- B. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing required set forth in this section.

Section 9.07 - Site Landscaping

- A. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10) percent of the site area, excluding existing thoroughfare right-of-way, shall be landscaped.
- B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five (5) percent of the site area.

Section 9.08 - Minimum Size and Spacing Requirements

- E. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or case, letter of credit, and/or certified check shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

Section 9.10 - Installation and Maintenance

- A. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
- B. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 9.11 - Fencing and Screening

- A. Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be six (6) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.
1. Mechanical Equipment. (This Subsection does not apply to single family residential uses, or to any use in an Industrial land use category except if it abuts a residential area.) When located outside of a building, support equipment including air conditioning and heating devises, water and gas meters, but not including plumbing or exhaust vents, or chimneys, are to be screened to the height of the particular piece of equipment as follows:
- a. Roof-Mounted Equipment: To be screened by architectural features from the view of abutting streets and parcels.
 - b. Equipment at grade: When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or

- D. Planning Commission Modification. Any of the requirements of this Section may be waived or modified through Site Plan approval, provided the Planning Commission first makes a written finding that specifically identifies characteristics of the site or site vicinity which would make required fencing or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.
- E. Zoning Board of Appeals. The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Section as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

Section 9.13 - Materials for Fencing and Screening

- A. Solid board fences with wood posts not less than four inches by four inches (4" x 4") and solid board cover not less than one (1") inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8') feet on center. The finished side of the wood shall face abutting properties. Stockade type fencing is not permitted.
- B. Wrought iron, open mesh or slatted fencing, provided that the ratio of one part open to six parts of solid fencing is not exceeded.
- C. Masonry walls designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. The outer face of such wall (the face away from the use which is to be screened) to be of clay, brick, stone, embossed or pierced concrete block, or other decorative masonry material.

Section 9.14 - Barrier Fences

- A. Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six (6') feet in height are prohibited unless needed to protect the public safety and approved by the Planning Commission.

Section 9.15 - Fire Hazard

- A. No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings

2. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator.
 3. Such other information as may be required to determine compliance with the Ordinance.
- C. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Charlevoix County Building Department.
 - D. Any Zoning Permit under which no work is done within twelve (12) months from date of issuance shall expire. No permit shall be transferable.
 - E. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
 - F. For each Zoning Permit, a fee shall be paid to the Township Zoning Administrator who shall turn over the funds to the Treasurer. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.

Section 10.03 - Violations and Penalties

- A. The owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fails to comply therewith or with any of the requirements thereof, shall upon conviction be subject to a fine of not more than five hundred (\$500.00) and the costs of prosecution or in default of the payment thereof, by imprisonment in the discretion of the Court for not more than ninety (90) days. The paying of any fine or serving of any jail sentence shall not exempt the offender from meeting the requirements of this Ordinance. Each and every day such violation continues shall be deemed a separate and distinct violation. Whoever assists in the commission of such violation shall also be guilty of a separate violation and upon conviction thereof, shall be liable for such fine or imprisonment, or both. The owner of any building or structure, lot or land or part thereof, where anything in violation of this Ordinance shall

- B. All nonconforming uses and structures not designated as class A are Class B nonconforming uses or structures.

Section 11.02 - Procedure For Obtaining Class A Designation, Conditions

- A. A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice of hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation.

Section 11.03 - Revocation of Class A Designation

- A. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for class A designation.

Section 11.04 - Regulations Pertaining to Class A Nonconforming Uses And Structures

- A. A Class A nonconforming use or structure shall not be repaired, restored, extended, enlarged or substituted for except in accord with the following requirements:
1. This Ordinance shall not prohibit the repair, improvement or modernization of a Class A nonconforming structure to correct deterioration, obsolescence, depreciation and wear, provide that such repair does not exceed an aggregated cost of fifty (50%) percent of the structures' replacement cost as determined by the Zoning Board of Appeals, provided the structure will still meet the qualifications of a Class A nonconforming use or structure.
 2. Any Class A nonconforming use or structure damaged by fire, explosion, flood, erosion or other means, may be restored, rebuilt or repaired, provided that such restoration does not exceed fifty (50%) percent of the structures' pre-catastrophe replacement cost as

with this Ordinance, the limitations on repairs or improvements shall not apply.

2. Any Class B nonconforming use or structure damaged by fire, explosion, flood, erosion or other means, shall not be rebuilt, repaired or reconstructed if cost of such are in excess of twenty five (25%) percent of the structures' pre-catastrophe replacement cost as determined by the Zoning Board of Appeals, except when the use or structure would fully comply with the requirements of this Ordinance.
3. No Class B nonconforming use or structure shall be enlarged, extended or structurally altered nor shall the nonconforming use be changed to a substantially different nonconforming use.
4. If a mineral extraction operation is designated a Class B nonconforming use, existing holes or shafts may be worked or enlarged on the land which constituted the lot on which operations were conducted at the time of the operation being so classified, but no new holes or shafts shall be established.
5. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time it was established.
6. A Class B nonconforming structure or use may be substituted for with a conforming use or structure, or by a use or structure which meets the requirements of a Class A nonconforming use when the Zoning Board of Appeals determines that the substitution would not increase the nonconformity of the use or structure or be contrary to the public health, safety and welfare and the intent of this Ordinance.

Section 11.06 - Determination of Replacement Cost

- A. The cost of repairing, restoring, or improving a Class A or B nonconforming use or structure excluding contents, damaged by fire, explosion, flood, erosion or other means, shall be made on the basis of an appraisal by a qualified individual designated by the Zoning Board of Appeals. The cost of such determination shall be born by the applicant. The Zoning Board of Appeals may determine replacement cost of an existing or pre-catastrophe structure based on information from the most recent Property Tax Assessment record if they find that such record is current and reasonably accurate.

objectives of this Ordinance are observed, public safety and general welfare secured, and substantial justice done.

Section 12.02 - Membership

- A. The Zoning Board of Appeals shall be appointed by the Township Board. It shall consist of three (3) members and two (2) alternates as provided by Section 18 of Act 184 of Public Acts of 1943, as amended. Members of said Board shall be removable by the Township Board for nonperformance of duty, or misconduct of office, upon written charges filed with the Township Clerk and following a public hearing by said Board upon such charges.

Section 12.03 - Rules of Procedure

- A. The Board shall adopt its own rules and regulations to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Township Clerk.
- B. Meetings of the Board shall be open to the public and shall be held at the call of the Chairman and at such times as the Board may determine.
- C. The Board shall act by resolution. The concurring vote of a majority of the members of said Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which the Board is required to pass under this Ordinance or to grant variances from the requirements of this Ordinance.
- D. Minutes shall be recorded of all proceeding which shall contain evidence and date relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated and such determinations from which the appeal is taken. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decisions shall be sent promptly to the applicant and to the Zoning Administrator.
- E. The Township Clerk shall be responsible for acting as secretary, or of providing secretarial services for the Zoning Board of Appeals, and all records of the Board's action shall be taken and recorded under his/her direction. The township legal counsel shall, upon request by the Zoning Board of Appeals, be present at designated meetings.

provisions of this Ordinance.

- b. Determine the precise location of the boundary lines between zoning districts where there is dissatisfaction with the decision on subject made by the Zoning Administrator.

- 3. Variances. The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, when all basic conditions below are satisfied. (Note: The Zoning Board of Appeals is not authorized to approve variances of non-conforming use provisions of this Ordinance.)

- a. The Zoning Board of Appeals may grant a variance wholly or partially only after the applicant has shown a practical difficulty, by demonstration of all of the following:

- 1) Strict compliance with area setbacks, frontage, height bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- 2) A variance would do substantial justice to the applicant as well as to other property owners in the district.
- 3) The plight of the owner is due to unique circumstances of the property.
- 4) The problem is not self-created.

- b. In those cases where the Zoning Board of Appeals has determined that a lesser relaxation of the provisions of this Ordinance would give substantial relief and be more consistent with justice to others, it may grant a partial variance.

- c. In addition to the foregoing conditions, the following rules shall be applied in granting of variances:

- 1) In granting a variance, the Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the

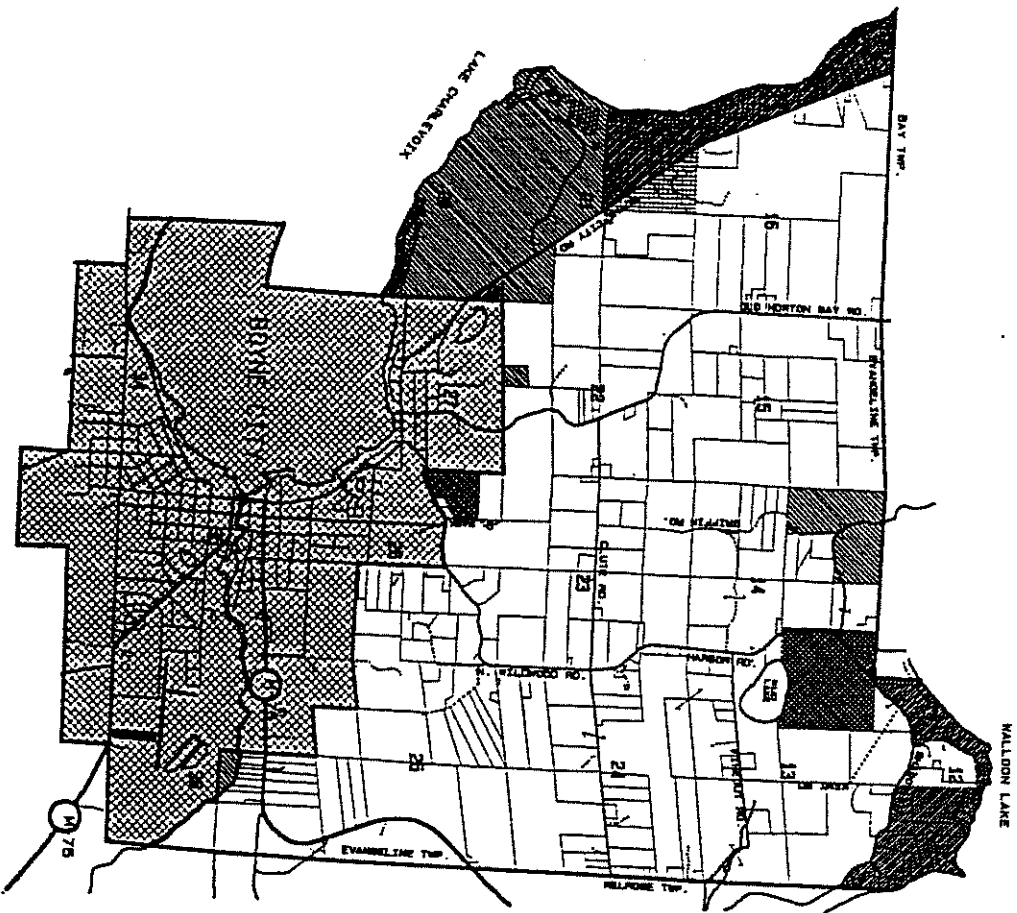
and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.

- b. The Zoning Administrator shall notify, in writing, the Township Board and Chairman of the Planning Commission at the same time, or before, he transmits the amendment request to the Planning Commission.
- c. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
- d. Any deliberation on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by two (2) publications in a newspaper of general circulation in the township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Notify all adjoining property owners within three hundred feet (300') not less than twenty (20) days prior to the public hearing. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by mail to each public utility company and railroad within the zone affected who have registered to receive such notices. The notices shall include the places and times at which the tentative text and any map of the Zoning Ordinance may be examined.
- e. Following the public hearing, the Planning Commission shall submit the proposed amendment to the County Planning Commission for review. The approval of the County Planning Commission shall be presumed unless the County Planning Commission shall, within thirty (30) days of receipt of the proposed amendment, have notified the Township Clerk of its disapproval.
- f. Following the review by the County Planning Commission, the Planning Commission shall transmit the proposed amendment to the Township Board, and

APPENDIX D - Size and Spacing Requirements

Evangelical Township










	Minimum size of Locally					Maximum tree center spacing												
	5-6'	3'-4'	2'-3'	18"-2'	2" 2 1/2"	18"-2' Spread	2" Post	2' gal container	30	25	15	10	6	5-6	5	4	3	2
Small Evergreen Shrubs																		
Brown's Hard's Seblon Vines																		
Dwarf Spreading Juniper						x												
Dwarf Hugel Pine						x												
Euonymus varieties						x												
Large Deciduous Shrubs						x												
Honeysuckle																		
Lilac																		
Border Privet																		
Hedge planting)																		
Sunac																		
Buckthorn																		
Pyracantha																		
Heigela																		
Flowering Quince																		
Barberry																		
Cotoneaster																		
(Peking & spreading)																		
Sargent Crabapple																		
Dogwood (Red Osier & Grey)																		
Euonymus varieties																		
Viburnum varieties																		
Tall Hedge planting)																		
Small Deciduous Shrubs:																		
Dwarf Hinged																		
Regal Privet																		
Fragrant Sunac																		
Japanese Quince																		
Cotoneaster (Rockspray, Cranberry)																		
Potentilla																		
Ground Covers:																		
Periwinkle																		
Baltic Ivy																		
Euonymus varieties																		
Hall Honeysuckle																		
Pachysandra																		
Vines:																		
Euonymus varieties																		
Virginia Creeper																		
Baltic Ivy																		
Hysteria																		



Evangeline Township

Zoning Districts

Legend

-  Residential R-1
-  Residential R-2
-  Mult. Res. R-3
-  Mobile Home R-4
-  RR/Farm Fst RRF-1
-  Commercial C-1
-  Industrial I-1
-  Recreational RC
-  Boyne City

FILE: EVANG\EVANG_ZD
July 1992

MSU C-MAP DISPLAY

RECORD OF ORDINANCES

ORDINANCE NO. _____

Amendment to #13

Township of Evangeline County of Charlevoix

Ordinance No. _____ enacted by the Board September 12, 1994

Published: September 16, 1994, within 10 days after enactment.

Effective October 16, 1994.

Record of votes of Board Members:

(Yes or No)

(Yes or No.)

Shields (Yes) Janssen (Yes)

Cortright (Yes) Swiss (Yes)

Weeks (absent) () ()

I CERTIFY that publication was made on _____, 19____
within 10 days after enactment of ordinance.

Signed: [Signature], Township Clerk

THE TOWNSHIP OF Evangeline ORDAINS,

Signed [Signature] Supervisor [Signature] Clerk

RECORD OF ORDINANCES

ORDINANCE NO. _____
Amendments to #13

Township of Evangeline County of Charlevoix

Ordinance No. _____ enacted by the Board June 6, 1994

Published: July 27, 1994, within 10 days after enactment.

Effective August 27, 1994.

Record of votes of Board Members:
(Yes or No)

(Yes or No.)

Cortright (Yes) Janssen (Yes)

Shields (Yes) Weeks (Yes)

Swiss (Yes) _____ (_____)

I CERTIFY that publication was made on 7/27, 1994
~~within 10 days after enactment of ordinance.~~

Signed: [Signature], Township Clerk

THE TOWNSHIP OF _____ ORDAINS,

Signed

[Signature]
Supervisor

[Signature]
Clerk

1 Section 4.10 - Waterfront Overlay Regulations

2 A. Purpose:

3 The purpose of these overlay provisions shall be to regulate
4 the development and redevelopment of waterfront properties
5 within the township while to the maximum extent feasible:

- 6 1. Protecting water quality.
- 7 2. Preserving the "resort character" of these areas.
- 8 3. Maintaining a scale of development which is in keeping
9 with small lot sizes.
- 10 4. Minimizing the visual impact of water front development.
- 11 5. Protecting the natural views of "backlot" property
12 owners.

13 B. Scope:

14 These overlay provisions shall cover all lots or site
15 condominium units or projects which front on or directly
16 access rivers or lakes within the Township. These
17 regulations shall be in addition to or if in conflict with,
18 supersede other provisions of this ordinance.

19 C. Allowable Uses:

- 20 1. Single family detached dwelling units and where lot area
21 allows accessory uses normal to the use of a dwelling.
- 22 2. Home occupations as defined in Section 2.01A Part 27 of
23 this Ordinance.

24 D. Zoning Regulations:

- 25 1. *Dwelling Units/Lot:* One dwelling unit per full 100' of
26 frontage or legally created nonconforming lot which ever
27 is less. (Note: For purposes of this district a lot or
28 series of adjacent lots under one ownership with 100' or
29 less of frontage on a lake shall be considered as a
30 single lot and shall be regulated as such).
- 31 2. *Construction on steep slopes:* Construction of new
32 structures or additions to existing structures shall be
33 limited to those areas where the preexisting slope (at
34 the time of adoption of this provision) does not exceed
35 twelve (12%) percent.
- 36 3. *Maximum Number of Stories and Building Height:* Two

1 stories with a maximum building height of twenty-four
2 (24') feet for lots with less than 100' of waterfront
3 frontage per dwelling unit or two stories with a maximum
4 building height of thirty (30') feet for lots with 100'
5 or greater of waterfront frontage.

6
7 4. **Water Front Setback:** Except for docks, shoreline
8 protection structures and walkways four (4') feet or less
9 in width, all other structures shall be located a minimum
10 of fifty (50') upland from the high water elevation as
defined.

11 5. **Wetland Setback:** All structures or additions to existing
12 structures shall be set back at least 25' from areas
13 defined as wetlands.

14 6. **Side Yard Setback:** Ten (10') feet.

15 7. **Road Setback:** No building shall be setback less than
16 twenty five (25') feet from the present public roadways
17 edge. In situations where lots are found to have less
18 than 150' feet of depth as measured from the high water
19 elevation to the edge of the roadway the minimum setback
20 shall be sixteen (16') feet.

21 8. **Water Quality Protection Requirement:** To further protect
22 water quality, on lots or site condominium projects which
23 do not presently have a greenbelt zone meeting the
24 requirements of Section 6.02 of this ordinance, as a
25 condition for the approval of:

- 26 a. reconstructing an existing structure, or;
27 b. changing the spacial dimensions of an existing
28 structure, or;
29 c. enclosing portions of any existing building, or;
30 d. the addition of new structures, or;
31 e. the granting of any variance

32 a water quality protection strip shall be established and
33 maintained . This strip shall at minimum meet the
34 following specifications.

35 1) Be located between all structure(s) (except
36 walkways, docks and shoreline protection
37 measures) and the waters edge.

38 2) The minimum width shall be twenty five (25')
39 feet and shall extend (excluding a single path

1 with a maximum width of ten feet) across the
2 full width of waterfront portion of the lot.

3 3) On Lake Charlevoix all portions shall be
4 located upland from the all time record high
5 water elevation for Lake Michigan/Huron as
6 determined by the U.S. Army Corp. of
7 Engineers. On other water bodies it shall be
8 located above the high water elevation as
9 defined.

10 4) Be planted to a mixture of trees and low
11 growing shrub species suitable for the site
12 (e.g. juniper or yew). Siting of trees shall
13 be at the discretion of the property owner in
14 order to maintain views of the lake. Shrubs
15 shall be of sufficient size and planted at
16 spacings that shall provide dense coverage of
17 100% of the area within a period of two (2)
18 full growing seasons. Tree species shall be
19 of a sufficient size and caliber to compete
20 with the surrounding vegetation.

21 5) No lawn shall be maintained between the water
22 quality protection strip and the waters edge.

23 9. **Stream Corridors:** A buffer strip minimum of five (5')
24 feet in width consisting of undisturbed vegetation,
25 running the full length (within the borders of the lot)
26 on both sides of a stream bed shall be established as a
27 condition for approval for building changes outlined in
28 Items 8 a through e of this Section.

29 **E. Non Conforming Structures:**

30 1. Legally created non conforming structures may be repaired
31 to correct deterioration or wear provided that such
32 repair does not exceed an aggregated cost of fifty (50%)
33 percent of the structures' replacement cost as determined
34 by the Zoning Board of Appeals.

35 2. Legally created non conforming structures damaged by
36 fire, explosion, flood, erosion or other means, may be
37 restored, rebuilt or repaired, provided that such
38 restoration does not exceed fifty (50%) percent of the
39 structures' pre-catastrophe replacement cost as
40 determined by the Zoning Board of Appeals. Restoration
41 of a Class A nonconforming use or structure damaged in
42 excess of fifty (50%) percent of the structure's
43 pre-catastrophe replacement cost may be permitted by the
44 Zoning Board of Appeals provided the restored structure
45 would still meet the qualifications of a Class A

1 nonconforming use or structure. However, no Class A
2 nonconforming structure damaged in excess of fifty (50%)
3 percent of the structures pre-catastrophe replacement
4 cost shall be rebuilt except in full compliance with this
5 Ordinance if such structure is located in a flood plain,
6 shoreline erosion area or other areas of recurring
7 natural hazards.

- 8 3. Expansions of legally created non conforming structures
9 shall only be into those areas which do not further
10 violate the setback, maximum height or maximum story
11 requirements and do not further violate the maximum
12 impervious surface requirements of this Ordinance. (Note:
13 Except for raising the elevation of pre-existing boat
14 houses, no expansion of spatial dimensions or enclosure
15 of spaces shall be allowed in those areas of the
16 structure which presently violate the water front setback
17 requirements of this Ordinance). Pre-existing boat
18 houses may be raised in elevation to prevent damage from
19 flooding or ice provided that the sole use of the
20 structure is and shall continue to be only for the
21 storage of boats and docks.

- 22 4. The Planning Commission shall review and approve the
23 plans for the expansion of any non-conforming structure
24 before the Zoning Administrator is authorized to issue a
25 zoning permit.

26 (Note: Where in conflict the above provisions supersedes
27 other nonconforming use or building provisions in Article
28 11 of this ordinance.)

- 29 F. **Future Lot Splits:** No lot splits shall be allowed which
30 shall create or increase the intensity of nonconforming
31 situations or uses.