

EVANGELINE TOWNSHIP

County of Charlevoix

Ordinance No. _____ of 2022

AN ORDINANCE TO AMEND THE EVANGELINE TOWNSHIP ZONING ORDINANCE

THE TOWNSHIP OF EVANGELINE HEREBY ORDAINS:

Section 1. Purpose

The purpose of this ordinance is to amend the Evangeline Township Zoning Ordinance to include new definitions, correct typographical and grammatical errors, clarify regulations pertaining to Natural Vegetation Waterfront Buffer Strip, Signs, Cottage Industries, Pinehurst District waterfront setback, set new standards for the Mixed-Use District, and to clarify regulations pertaining to Bed and Breakfast Establishments, Storage Facilities, and Low-impact Commercial Recreational Facilities. Additionally, the Evangeline Township Zoning Ordinance is hereby amended to change all references to the “Michigan Department of Environmental Quality (MDEQ)” throughout the zoning ordinance to the “Michigan Department of Environment, Great Lakes, and Energy (EGLE) or any successor state agency.”

Section 2. Amendment to Section 2.01

Section 2.01 of the Evangeline Township Zoning Ordinance is hereby amended to add the following definitions in their appropriate alphabetical locations, which new definitions shall read in their entirety as follows:

Accessory Dwelling: See Dwelling, Accessory

Alterations: Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed”.

Alternative Tower Structure: Any structure which, if intended to be used to locate an antenna or tower, may accommodate and conceal the presence of said antenna or tower, including, but not limited to, man-made trees, clock towers, bell steeples, water towers, light poles and silos.

Basal Area: The cross-sectional area of all stems in a stand of trees measured at breast height and expressed as square feet per acre.

Billboard: See Sign, Off-premises

Civic Building: Buildings and facilities owned and maintained by a public or semi-public agency, excluding religious institutions, which are used primarily for public gatherings for the purpose of promoting public education, knowledge and welfare.

Commercial Recreational Facility (low-impact): See Low-impact Commercial Recreational Facility.

Cottage Industry: See Home Business

dB(A): The decibel A filter is a scale for noise measurement units, dB(A) roughly corresponds to the inverse of the 40 dB (at 1 kHz) equal-loudness curve for the human ear.

Dwelling: See Dwelling Unit

Dwelling, Primary: Structure intended as the main dwelling and is limited to one per parcel.

Forest Preserve: A forested area of land that is protected and managed in order to preserve a particular type of habitat and its flora and fauna which may be rare or endangered.

Game Refuge: A forest land designated for the protection of game animals, birds and fish, and closed to hunting and fishing in order that the excess population may flow and restock surrounding areas.

Growing Season: The time between May 20th and October 5th.

Natural Vegetation Waterfront Buffer Strip: A strip of land ranging between 25' and 50' of depth, beginning at a point 1 foot landward of the documented high-water elevation, measured inland away from the water toward the developable area of a waterfront lot, in which the natural vegetation shall not be disturbed except to add a mixture of planted trees and low growing woody shrub species native to the area and suitable for the site.

Noncommercial Recreation Facility: Private or semi-private recreational facility not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, ski slopes, and hunting, fishing or trapping clubs.

Off-Premises Sign: See Sign, Off-Premises

Recreation Facility: An area, including buildings, grounds and equipment which is intended for entertainment or leisure activities.

Sawlog: A log of suitable size for sawing into lumber, processed at a sawmill. This is in contrast to those other parts of the stem that are designated pulpwood. Sawlogs will be greater diameter, straighter and have a lower knot frequency.

Sign, Off-Premises: A sign located on a parcel which is not owned by the owner of the sign or not associated with the land use on the same parcel as the sign.

Steep Slope Areas: Areas mapped in the Charlevoix County Soil Survey as having slopes from 18% to 25%, 18% to 50%, or 25% to 50% slopes.

Storage Condominium: A storage facility/complex where units are sold to individual occupants rather than rented or leased.

Storage Facility/Complex: Any real property designed and used for the purpose of renting or leasing individual or group storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property. See also Storage Condominium.

Section 3. Amendment to Section 2.01

The definitions of Adult Live Entertainment Establishments, Dwelling Unit, Shoreline Protection Structure, Sign, Temporary, and Slope within Section 2.01 of the Evangeline Township Zoning Ordinance are hereby amended to read in their entirety as follows:

Adult Live Entertainment Establishments: Establishments, regardless of whether alcoholic beverages may or may not be served, which include a nightclub, bar, restaurant, or similar commercial establishment, which features (a) Persons who appear nude or in a "state of nudity" or "semi-nude"; and/or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Dwelling Unit: A building or portion of a building, either site built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for a dwelling unit. In no case shall a travel trailer, truck, bus, motor home, tent, or other such portable structures be considered a dwelling unit.

Shoreline Protection Structure: A structure designed and constructed to protect shorelines from water erosion that meet design standards such as illustrated below in Figure 2-2. The top of all shoreline protection structures shall be at or above the high-water elevation as defined.

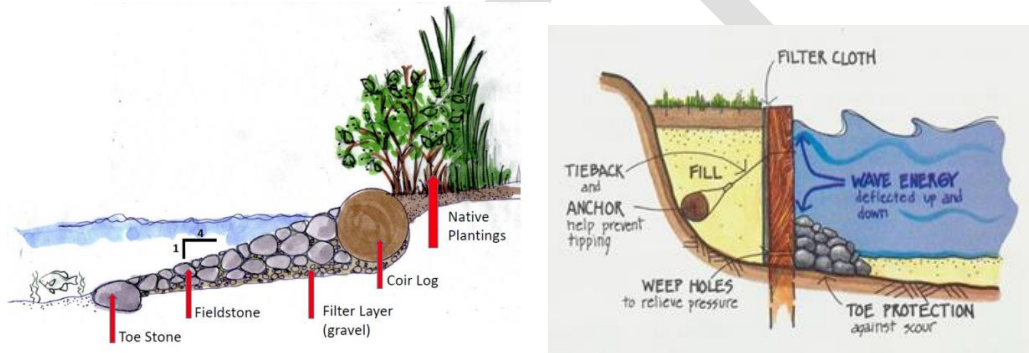


Figure 2-2

Sign, Temporary: A sign type as described herein that is intended for temporary use and for a limited time period as allowed by this ordinance;

Type 1: A sign that uses of any balloon, banner, or pennant, individually, as a group, or is connected to a sign intended to draw attention to a specific location.

Type 2: A sign, other than a Type 3 Temporary Sign, that is authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time.

Type 3: A sign, other than a Type 2 Temporary Sign, constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease.

Slope: An area of land with a grade that deviates from the horizontal plane calculated as the ratio of vertical rise divided by horizontal run and expressed in terms of a percentage. See also Steep Slope Areas.

Section 4. Amendment to Section 2.01

The definition of Alley within Section 2.01 of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 5. Amendment to Section 3.06. B.4

Section 3.06. B.4 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

The Natural Vegetation Waterfront Buffer Strip shall be planted to a mixture of trees (that at a maturity shall obtain a minimum height of 50 feet) and low growing woody shrub species native to the area and suitable for the site. Trees shall be scattered throughout the strip, planted at a minimum of ten (10) trees per one hundred feet (100') of lake frontage, and sited in a manner which allows for "filtered" views of the water from the dwelling. Tree species shall be of a sufficient size and caliper (minimum 2") to compete with the surrounding vegetation, and shall provide coverage of 75% of the area within the Natural Vegetation Waterfront Buffer Strip as measured at the drip lines the trees are expected to have at maturity (see Figure 1 for guidance in this Section). Shrubs shall be of sufficient size and planted at spacings that shall provide *complete* coverage of the ground within the Natural Vegetation Waterfront Buffer Strip, except as allowed in district regulations for a viewing platform and path, within a period of two (2) full growing seasons.

Section 5. Amendment to Section 3.06. B.

Section 3.06. B of the Evangeline Township Zoning Ordinance is hereby amended to add a new subsection 7, which shall read in its entirety as follows:

All required plantings in the Natural Vegetation Waterfront Buffer Strip shall be completed by the end of the next full growing season after the approval date of the project (e.g. Projects approved before May 20th must be planted by October 5th of that year. Those approved after May 20th have until October 5th of the following year.) In the event of circumstances beyond the applicant's control which cause an unavoidable delay to planting, the Planning Commission may grant an extension of up to one year when requested by the applicant and deemed warranted by the Planning Commission. Such circumstances shall not include any that are due to the applicant's personal or economic hardship.

Section 6. Amendment to Section 3.06. D.

Section 3.06. D of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

The Planning Commission may waive or modify the requirement for installation of a new Natural Vegetation Waterfront Buffer Strip upon a finding that existing vegetation meets the standards of a Natural Vegetation Waterfront Buffer Strip. (amended: August 4, 2009)

Section 7. Amendment to Section 3.13. A.3

Section 3.13. A.3 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, limited visibility, etc.

Section 8. Amendment to Section 3.13. A.4

Section 3.13. A.4 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.

Section 9. Amendment to Section 3.13. A.5

Section 3.13. A.5 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Signs marking a historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the maximum size allowed in the Zoning District whichever is less.

Section 10. Amendment to Section 3.13. A.7

Section 3.13. A.7 of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 11. Amendment to Section 3.13. A.8

Section 3.13. A.8 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Temporary signs, both on premise and off premise, may be posted for not more than seven (7) consecutive days, provided the sign surface does not exceed the maximum size limitations of six (6) square feet.

Section 12. Amendment to Section 3.13. A.9

Section 3.13. A.9 of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 13. Amendment to Section 3.13. A.10

Section 3.13. A.10 of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 14. Amendment to Section 3.13. B

Section 3.13. B of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Signs Requiring a Sign Permit: The size of any publicly displayed sign, symbol or notice on a premise, shall be regulated as follows:

<u>Use District</u>	<u>Maximum Size of Sign per Side</u>
GB, SWB, P, W, K, R-1	Six (6) square feet
MU, R/CS	Twelve (12) square feet
RRF, I	Twenty-four (24) square feet

*Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than twenty-four (24) square feet per side.

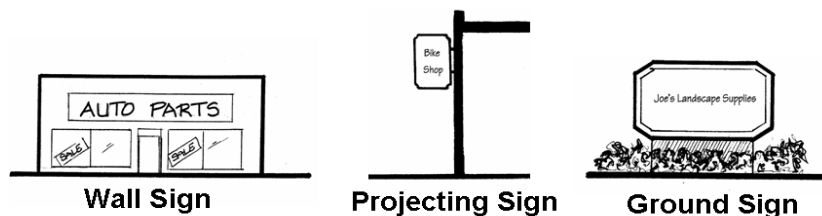


Figure 3-3

Section 15. Amendment to Section 3.13. C.14

Section 3.13.C.14 of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 16. Amendment to Section 3.13. C.15

Section 3.13. C.15 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

In the case of sign devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics, are permitted, for a period of not more than fourteen (14) days.

Section 17. Amendment to Section 3.13. C.16

Section 3.13. C.16 of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 18. Amendment to Section 3.13. C.17

Section 3.13. C.17 of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 19. Amendment to Section 3.13. D

Section 3.13 D of the Evangeline Township Zoning Ordinance is hereby amended to read as follows:

If any provisions of any other ordinance, statute or law of Charlevoix County or the State of Michigan impose greater restrictions than herein set forth, then the provisions of such ordinance or statute shall take precedence.

The use of any lawful outdoor sign erected prior to this Ordinance and in use on the date this Ordinance is enacted, which does not meet these standards, may be continued. Such signs shall be designated as “Nonconforming signs”. The maintenance, reconstruction, alteration, discontinuation and change in the nonconforming nature of a Nonconforming sign shall be governed by *Section 3.16 Nonconforming Uses and Structures* of this Ordinance.

Section 20. Amendment to Section 3.15. B.3

Section 3.15. B.3 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

A cottage industry shall occupy not more than one building on a single lot. For lots 3 acres or more in land area, the total floor area devoted to a cottage industry within that building shall be limited of 500 sq. ft. per acre, but no more than 20,000 sq. ft. regardless of lot size. For lots less than 3 acres in land area, the total floor area devoted to a cottage industry within that building shall be limited to 1,500 sq. ft.

Section 21. Amendment to Section 3.15. B.4

Section 3.15. B.4 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the specific type of screening shall be determined by the Planning Commission to ensure the visual protections specified in this subsection. Any cottage industry building utilized in whole or in part for indoor storage purposes shall be limited to the storage of supplies, materials, tools and/or equipment, and goods and/or products, directly associated with the cottage industry use and shall not be used as either group or individual storage units as that of a storage facility type of operation.

Section 22. Amendment to Section 3.16. F

Section 3.16. F of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Determination of Replacement Cost

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 an individual licensed to perform real estate appraisals and designated by the Planning Commission. The cost of such determination shall be borne by the applicant. The Planning Commission 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. (adopted February 1, 2011)

Section 23. Amendment to Section 3.19. A

Section 3.19. A of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

In the GB, SWB, P, K, W, R-1, and MU Zoning Districts, no free-standing accessory structure may be built prior to the principal dwelling or structure being completed. Only one accessory building shall be allowed. One additional shed, less than 200 square feet, may be built. Total square footage of all accessory structures and accessory buildings shall not exceed the square footage of the first floor of the primary residence, excluding the garage, and must meet district standards.

Section 24. Amendment to Section 3.23. A

Section 3.23. A of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

On newly created lots, areas with slopes with natural grades of 33% or greater shall not be disturbed and shall be left in their natural state. (Note the Planning Commission may at its discretion require a topography survey of the site done at a minimum of two (2) foot contours to ensure that this provision is met). The Planning Commission may allow new roads and access drives to be constructed in these areas when the applicant can clearly demonstrate that no other feasible alternative exist. In these cases, the Planning Commission may place additional construction and siting requirements (E.G. use of retaining walls, maintaining additional vegetative cover, requiring additional vegetative cover, etc.) to ensure that they shall have the least impact on the landscape.

Section 25. Amendment to Section 3.23. L

Section 3.23. L of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

All erosion and stormwater control measures shall be maintained in a workable condition at all times. All new lots created shall be required to have an agreement with the Township allowing the Township to enter the property to inspect these measures to ensure that they continue to be in compliance with this provision.

Section 26. Amendment to Section 5.02.4. B

Section 5.02.4. B of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

50' min. all buildings will be setback a minimum of 50' upland from the High-water Level Elevation as defined. (See Section 5.11 – Schedule of Regulations)

Section 27. Amendment to Section 5.04.1

Section 5.04.1 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

The intent in this district is to ensure that new development and redevelopment is in keeping with the residential cottage/resort character of this district.

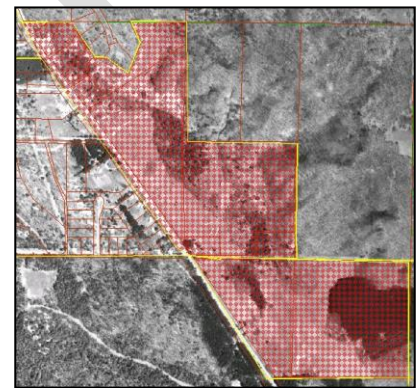
Section 28. Amendment to Section 5.07

Section 5.07 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Section 5.07 – Mixed-Use District (MU)

Section 5.07.1 – Intent

This Ordinance intends that parcels in this district be developed as a combination of residential and recreational uses. In addition, small areas of limited new storage and new commercial uses are allowed, provided that they are screened from the Boyne City/Charlevoix Road and adjacent uses. Provisions of this Article supersede all other provisions of this Ordinance that are in conflict.



Mixed Use District

Section 5.07.2 – Allowable Uses

The following uses are allowed by right in this district:

- A. Single-family dwellings
- B. Residential dwellings above commercial uses
- C. Public parks and playgrounds
- D. Child or Adult daycare facilities serving six (6) or fewer clients
- E. Accessory buildings and uses customarily incidental to the above-permitted uses
- F. Nursing homes, assisted living facilities, convalescent homes, rest homes, public buildings, public schools, private schools, and places of worship.
- G. Low-impact commercial and recreational facilities, subject to the regulations of Section 8.18 (adopted February 1, 2011)

Section 5.07.3 – Allowable uses subject to Special Use Permit

The following uses are allowed by special use permit, subject to provisions outlined in this Article and Articles VII and VIII

- A. A single Warehouse/Storage a maximum of 4 acres in area (including required screening and storm-water retention areas) is allowed on master parcels 20 acres or greater in area.
- B. Campgrounds on master parcels 20 acres or greater in area.

Section 5.07.4 – Developable Area

All new structures on the Master Parcel shall be limited to areas where according to the Soil Survey of Charlevoix County:

- A. Slopes are less than 12%, and;
- B. The seasonal high-water table is greater than 3’ below the soil surface.
- C. The remainder of the land shall consist of conservation lands, forestland, and recreation areas.

Section 5.07.5 – Maximum number of Curb Cuts allowed

A single curb cut shall be allowed per Master Parcel onto the Boyne City/Charlevoix Road. A second curb cut is allowed for Master Parcels with over 1,000 feet of road frontage on the Boyne City/Charlevoix Road.

Section 5.07.6 – Maximum Number of Residential Dwellings

One Dwelling Unit shall be allowed per full 3 acres of gross Master Parcel Area.

Section 5.07.7 - Single Family Residential Dimensional Standards

- A. Lot Depth 100’ min.
- B. Lot Width 100’ min.
- C. Street Front Setback 30’ min.
- D. Boyne City/Charlevoix Rd Setback 100’ min. from the road right-of-way
- E. Rear Yard Setback 30’ min.
- F. Side Yard Setback 10’ min.
- G. Primary Dwelling Height 35’ max.*
- H. Accessory Building Height 25’ max. or the height of the primary dwelling, whichever is less.*

*Chimneys are excluded from this height requirement

Section 29. Amendment to Section 7.02. A.6

Section 7.02. A.6 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the standards for special use permit specified in Section 7.02. D of this Ordinance.

Section 30. Amendment to Section 8.01. D

Section 8.01. D of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Kitchen Facilities: There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Cooking facilities for the bed and breakfast establishment may be used to provide meals to the patrons of the establishment, however, may not be utilized in a commercial manner, such as a restaurant for dine in, delivery, or carry out for non-patrons of the bed and breakfast establishment.

Section 31. Amendment to Section 8.13. A.1

Section 8.13. A. 1 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

All proposed storage buildings located nearest to the primary access road shall be sited perpendicular to the road and setback a minimum of 100 feet from the road right-of-way.

Section 32. Amendment to Section 8.13. A.2

Section 8.13. A. 2 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

All buildings that will be clearly visible from the road or adjacent properties shall be screened by a vegetative buffer. This buffer, at a minimum, will consist of two staggered rows of either Red or White Pine, a minimum of 10 feet in height. Plant spacing will be a maximum of 10 feet within the row, with the rows being a maximum of 10 feet apart. As an alternative, smaller trees a minimum of 6 feet in height may be planted on an earthen berm which shall be a minimum of 3 feet in height. Planting spacing shall remain the same. The remainder of the perimeter may be planted with red or white pine seedlings at the same spacing. The property owner(s) shall be responsible for the ongoing maintenance of the vegetative buffer. Any dead or dying plants shall be replaced at the beginning of the next growing season with similar-sized plants.

Section 33. Amendment to Section 8.13. A.3

Section 8.13. A. 3 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Any security fencing shall be located inside of the vegetative screening.

Section 34. Amendment to Section 8.13. A

Section 8.13. A of the Evangeline Township Zoning Ordinance is hereby amended to add new subsections, which subsections shall read in their entirety as follows:

4. The maximum building height shall be 25 feet.
5. All exterior light shall be shielded and directed downward. Light elements shall be recessed in their fixtures in a manner that they cannot be seen off-site.
6. All buildings shall be Forest Green in color.
7. All projects as a condition for approval shall have an engineered stormwater mitigation plan which complies with the Joint Charlevoix County Stormwater Ordinance.

Section 35. Amendment to Section 8.18

Section 8.18 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Low-impact commercial recreational facilities are those commercial activities where the primary use of the facility is outdoor recreation, and has minimal impact on the natural condition on the site, and where the support structures and support activities have minimal impact on the land, and

on the potential for future development of the property. This includes activities such as zip lines, mountain bike trails, climbing walls, and non-motorized trails that are operated by the owner of the land on which such activities are conducted for economic gain. The Planning Commission may find that other activities may be included in this definition upon a finding that the unlisted activities have the same general, low-impact characteristics on the land as the listed activities.

Low-impact commercial recreational facilities shall meet the following requirements:

- A. The primary use of the facility shall take place in an outdoor environment. Excluded from this requirement shall be storage sheds for equipment, sanitary facilities, admission booths, and concession stands.
- B. The parcel shall provide direct vehicular access to a public street or road. The term “parcel” in this subsection shall refer to the entire property.
- C. All sanitary stations, privies, or any other sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. A zoning permit shall be required before any structures, including those less than two hundred (200) square feet, are constructed.

Section 36. Amendment to Section 10.02. A

Section 10.02. A of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

No building or structure subject to the provision of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used or moved, nor shall any excavation, tree removal or filling of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise permitted for in this Ordinance. No Zoning Permit shall be required for any lawful uses of any building or structure in existence as of the effective date of this Ordinance. No Zoning Permit shall be required for an accessory structure less than 200 square feet in size, except: (1) located on waterfront within 100 feet of any lake, river, or stream; (2) low-impact commercial recreational facilities as described in Section 8.18. (effective: June 14, 2012)

Section 37. Amendment to Section 10.03. A

Section 10.03. A of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 38. Amendment to Section 11.01. A.3.d

Section 11.01. A.3.d. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Before ruling 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 one (1) publication in a newspaper of general circulation in the Township, and for a re-zoning of ten (10) or fewer adjacent parcels not less than fifteen (15) days before the date of such hearing and by notifying all property owners within three hundred (300) feet of any land proposed for rezoning and occupants of all structures within three hundred feet not less than fifteen (15) days prior to the public hearing. Not less than fifteen (15) days' notice of the time and place of the 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 and shall be verified by an affidavit of mailing or personal service.

Section 39. Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Saving Clause

The Evangeline Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 10. Effective Date

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

EVANGELINE TOWNSHIP

By: _____
 Evangeline Township Supervisor

By: _____
 Evangeline Township Clerk