

EVANGELINE TOWNSHIP

County of Charlevoix

Ordinance No. 1 of 2023

AN ORDINANCE TO AMEND THE EVANGELINE TOWNSHIP ZONING ORDINANCE

THE TOWNSHIP OF EVANGELINE HEREBY ORDAINS:

Section 1. Amendment of Zoning Ordinance

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 of 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.

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 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 as allowed in district regulations, or 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 individual units are sold 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.

Wall: A permanent solid barrier constructed of masonry, concrete, brick, stone, wood, or similar material, intended to enclose or support an area, such as a retaining wall to laterally support soil or an obscuring wall to conceal what is beyond it from view.

Section 3. Amendment of Section 2.01

The definitions of Adult Live Entertainment Establishments, Alley, Dwelling Unit, Shoreline Protection Structure, Sign, Portable, 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".

Alley: A right-of-way intended to provide service access to the rear or side of lots or buildings and not intended for transporting through traffic.

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.

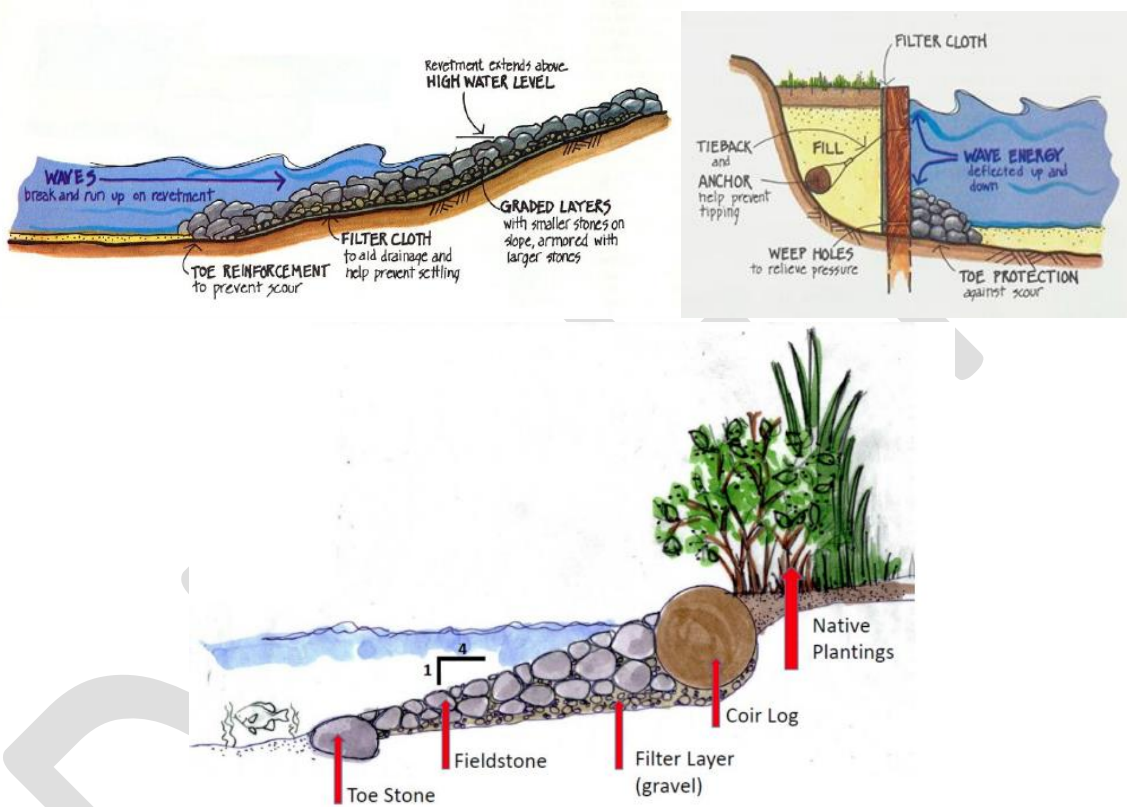


Figure 2-2

Sign, Portable: A sign, which is not anchored or permanently secured to either the ground or a building, and which is meant to be easily moved from one location to another, including signs or devices hauled on a trailer, or designed to be physically carried by either a human or animal.

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

Type 1: A sign that uses 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, except for a billboard contract or lease, 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 of Section 3.03. D.

Section 3.03. D of the Evangeline Township Zoning Ordinance is hereby amended to add a subsection 2., which shall read in its entirety as follows:

2. Due to topography and/or high-water tables, parcels within the Glenwood Beach and Springwater Beach zoning districts may use rain garden detention ponds as a discharge area for surface and stormwater runoff. The Planning Commission shall review and approve, the design and layout of any required detention pond, if it finds that the detention pond is of sufficient size and construction to capture, retain and dissipate the excess surface and stormwater runoff from the impervious surfaces of the lot for a 10-year frequency rainfall event.

Section 5. Amendment of Section 3.06. A.

Section 3.06. A of the Evangeline Township Zoning Ordinance is hereby amended to add a type of development to the list of developments requiring a Natural Vegetation Waterfront Buffer Strip, which shall read as follows:

- Construction of new, or reconstruction/alteration of existing, seawall or shoreline protection structure.

Section 6. Amendment of 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 with a mixture of trees, which at 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 (for guidance, see Figure 1 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 7. Amendment of Section 3.06. B.

Section 3.06. B of the Evangeline Township Zoning Ordinance is hereby amended to add new subsections, 7, and 8, which shall read in their entirety as follows:

7. No sand or fill shall be placed between the shoreline and the Natural Vegetation Waterfront Buffer Strip.
8. 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 8. Amendment of 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 9. Amendment of Section 3.07. B.

Section 3.07. B. of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 10. Amendment of Section 3.08

Section 3.08 of the Evangeline Township Zoning Ordinance is hereby amended to change its heading to read in its entirety as follows:

Section 3.08 – Environmentally Sensitive Areas.

Section 11. Amendment of Section 3.08. A. 1.

Section 3.08. A. 1. Of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

A. Wetland Areas

1. Michigan Department of Environment, Great Lakes and Energy (EGLE), or any successor state agency, approved wetland delineation shall be required for all areas mapped as potential wetland areas on the EGLE Wetland Inventory Maps covering Evangeline Township, unless specifically waived by the Zoning Administrator after a site visit.

Section 12. Amendment of Section 3.13

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

Section 3.13 – Signs (amended: 2022)

The purpose of this section is to preserve the desirable character of Evangeline Township, as well as to recognize the need for and privilege of expressing views and advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes the right of residents to be free of signs that could adversely affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this Ordinance.

A. Signs Not Requiring a Sign Permit:

The following signs may be placed in any Zoning District without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

1. One (1) non-illuminated identification sign per use, not exceeding four (4) square feet of sign surface.

2. One (1) non-illuminated residential name plate per lot, not exceeding four (4) square feet of sign surface.
3. Street name signs, route markers, Michigan Department of Transportation Tourist Oriented Directional Signs (TODS) and other traffic control signs erected or approved by state, or county agencies when necessary to give proper directions or to otherwise safeguard the public.
4. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal governments.
5. 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.
6. Signs marking an 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.
7. Signs that have been approved in conjunction with an approved site plan, authorized by the Planning Commission, for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
8. Type 1 & Type 3 temporary signs both on-premises and off-premises may be posted for no more than seven (7) consecutive days, provided the sign surface does not exceed the maximum size limitations of six (6) square feet. If Type 1 or Type 3 temporary signs are posted for more than seven (7) consecutive days, then a sign permit shall be obtained from the Zoning Administrator, which shall authorize an additional fourteen (14) days for the temporary sign.
9. Type 2 temporary signs may be erected, but only during the time period the contract authorizing such signs remains in effect.

B. Signs Requiring a Sign Permit:

1. No sign, except those specified in subsection 3.13.A, shall be erected or altered until a permit has been approved and issued by the Zoning Administrator. The use and erection of all outdoor signs shall be subject to the following provisions:

2. **Size Limitations by District:**

The size of any publicly displayed sign on a premises 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 |
| R/CS | Twelve (12) square feet |
| RRF, MU, I | Twenty-four (24) square feet |

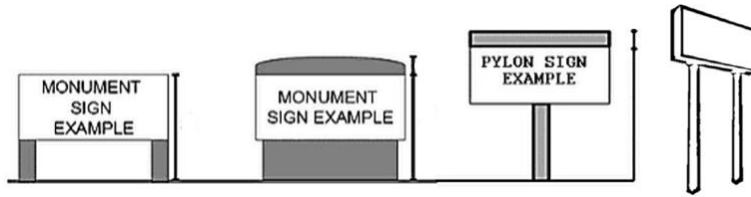
*Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than twenty-four (24) square feet per side.



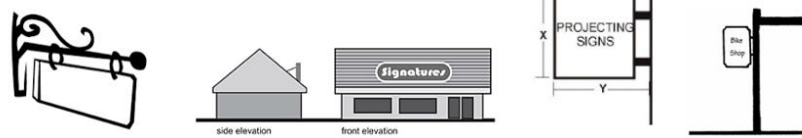
Wall Sign

Ground Sign

Awning Sign



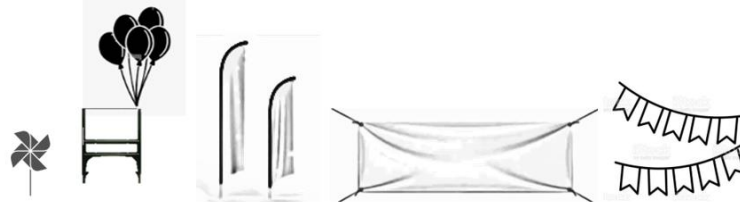
Examples of Free-standing Signs



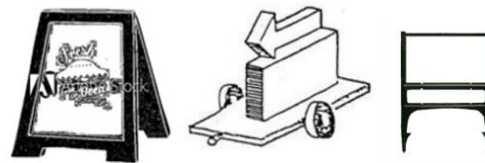
Hanging Sign

Rooftop Sign

Examples of Projecting Signs



Temporary Sign Devices: Pinwheels, Balloons, Flags, Banners, Pennants/Streamers



Portable Signs

Figure 3-3

C. In addition to the size limitations stated in Subsection 3.13.B.2, the following conditions shall apply to all signs, including off-premises signs, erected in any Zoning District:

1. No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
2. All illumination unless otherwise approved by the Planning Commission, shall be oriented downwards and shall not trespass beyond the borders of the sign, as illustrated in Figure 3-4.
3. Signs containing flashing, intermittent or moving lights are prohibited.

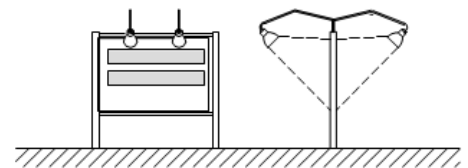


Figure 3-4

4. No awning sign shall be illuminated internally or illuminated by flashing lights. Sign may contain lettering and backgrounds made of reflective material.
5. One internally lit sign not to exceed six (6) square feet per business shall be allowed provided the sign has an opaque background or field of a dark color with letters, numerals, logos, and similar message elements of a transparent material to permit internal lighting revealing the message or information for which the sign is intended.
6. Off-premises signs shall be permitted subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per five hundred (500) feet of road frontage or per lot may be allowed. No off-premises sign shall be permitted in GB, SWB, P, W, K, R-1 or MU Zoning Districts.
7. Freestanding signs may be permitted in the front yard provided the sign is located at least ten (10) feet behind the front lot line. No freestanding sign shall exceed a maximum of six (6) feet in height, measured from the ground to the top of the sign, regardless of the Zoning District.
8. Both sides of any freestanding or overhanging sign may be used for display.
9. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way (see Figure 3-5). However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.
10. Roof signs are specifically prohibited when projecting above the high point of the roof.
11. A maximum of two (2) signs shall be allowed, and the cumulative area for on-premises signs shall not exceed that allowed in the District per subsection 3.13. B.2.
12. No motor vehicle or trailer, including a semi-trailer, that has a sign affixed to the side of the motor vehicle or trailer, shall be parked or stored within the front yard of any lot abutting a public or private road when the primary purpose of such parking is the display of the sign and not the customary use of the motor vehicle or trailer.



Figure 3-5

- D. 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.
- E. 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 13. Amendment of 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 three (3) acres or more in land area, the total floor area devoted to a cottage industry within that building shall be limited to 500 sq. ft. per acre, but no more than 20,000 sq. ft. regardless of lot size. For lots less than three (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 14. Amendment of 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 15. Amendment of Section 3.16. E. 5. b

Section 3.16. E. 5. b. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

The proposed enlargement, extension, or structural alteration of the nonconforming dwelling unit may be located within the 100-foot waterfront setback for properties outlined in the Evangeline Township Shoreline Steep Slopes Map in Figure 3-2, but shall not be located closer to the high-water elevation than the existing nonconforming dwelling unit or 50 feet, whichever is farther from the high-water elevation. Enlargement, extension, or structural alteration of the nonconforming dwelling unit may be allowed closer to the high-water elevation than the existing nonconforming dwelling if the Planning Commission finds that the proposed enlargement, extension, or structural alteration would not increase the amount of impervious surface area within the 100-foot waterfront setback beyond the maximum allowed as specified within Section 5.11 – Schedule of Regulations, and meets the 50-foot minimum setback from the high-water elevation as allowed in this section.

Section 16. Amendment of 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 17. Amendment of Section 3.18. A 1. b.

Section 3.18. A 1. b. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- b. Unless otherwise specified within this Ordinance, fences, walls, or hedges in any required front yard shall not exceed a maximum height of three (3) feet.

Section 18. Amendment of Section 3.18. A 1. d.

Section 3.18. A 1. d. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- d. Fences may be placed up to a lot line, and the finished side of any fence shall face the adjacent property or road. No parts of any fences or walls, including foundations, may extend beyond any lot line.

Section 19. Amendment of Section 3.18. A 1.

Section 3.18. A 1. of the Evangeline Township Zoning Ordinance is hereby amended to add new subsections, which subsections shall read in their entirety as follows:

- f. Hedges shall be set back a minimum of two (2) feet from the lot lines.
- g. No fence, wall, hedge, or screening shall be erected within the public right-of-way.
- h. No fence, wall, hedge, or screening shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- i. No fence, wall, hedge, or screening shall be erected within the required Natural Vegetation Waterfront Buffer Strip on any waterfront lot.

Section 20. Amendment of 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 shall not exceed the square footage of the first floor of the primary residence, excluding the garage, and must meet district standards.

Section 21. Amendment of Section 3.19

Section 3.19 of the Evangeline Township Zoning Ordinance is hereby amended to add a subsection D, which shall read in its entirety as follows:

D. In the RRF zoning district, in addition to one detached accessory building and one shed less than 200 sq. ft. in area, per lot, parcels three (3) acres or larger may have an additional detached accessory building, for a total two (2) accessory buildings, and parcels ten (10) acres or larger may have up to three (3) detached accessory buildings. These limitations do not apply to farm buildings located in the RRF district.

Section 22. Amendment of 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 alternatives 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 23. Amendment of 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 they remain in compliance with this provision.

Section 24. Amendment of Section 5.01.1

Section 5.01.1 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 remain consistent with the residential cottage/resort character of the district.

Section 25. Amendment of Section 5.02.1

Section 5.02.1 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 remain consistent with the residential cottage/resort character of the district.

Section 26. Amendment of 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 of Section 5.03.1

Section 5.03.1 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 remain consistent with the residential cottage/resort character of the district.

Section 28. Amendment of Section 5.03.4

Section 5.03.4 of the Evangeline Township Zoning Ordinance is hereby amended to repeal the **footnote following Section 5.03.4 G. in its entirety.

Section 29. Amendment of 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 remain consistent with the residential cottage/resort character of this district.

Section 30. Amendment of Section 5.07.1

Section 5.07.1 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Section 5.07.1 – Intent

It is the intent of this Ordinance that parcels in this district be developed as either a coordinated interconnected mixed-use neighborhood with a variety of housing types and civic buildings located in close proximity, or as a combination of low-density residential and low-impact 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.

Section 31. Amendment of Section 5.07

Section 5.07 of the Evangeline Township Zoning Ordinance is hereby amended to add a new Section 5.07.1A, which shall read in entirety as follows:

Section 5.07.1A – Development Options

Land within the Mixed-Use District shall be developed under one of the following options:

- A. High-density land development, which shall comply with all of the applicable requirements of Section 5.07.2 – Section 5.07.23 of this Ordinance.
 - 1. All allowable uses for high-density land development are subject to Site Plan Review.
 - 2. All high-density land developments shall be required to be serviced by an adequate water/waste water system in compliance with one or more of the following options:
 - i. Approval of well and septic systems by the Health Department of Northwest Michigan.
 - i. Connection to the water/waste water system of the City of Boyne City.
 - ii. A private water/waste water system which meets or exceeds all of the State of Michigan’s requirements and standards of Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) for nongovernmental systems.
- B. Low-density land development, which shall comply with all of the applicable requirements of Section 5.07.24 – Section 5.07.29 of this Ordinance.

Section 32. Amendment of Section 5.07.2

Section 5.07.2 of the Evangeline Township Zoning Ordinance is hereby amended in the section heading to read as follows:

Section 5.07.2 – Allowable Uses for High-density Land Development

Section 33. Amendment of Section 5.07.3

Section 5.07.3 of the Evangeline Township Zoning Ordinance is hereby amended to add a two subsections C. and D., which shall read in their entirety as follows:

- C. Storage facilities for the exclusive use of the residents of dwelling units, as developed under the provisions for high-density land development.
- D. Accessory buildings customarily incidental to these permitted special uses.

Section 34. Amendment of Section 5.07.5

Section 5.07.5 of the Evangeline Township Zoning Ordinance is hereby amended in the section heading and list to read as follows:

Section 5.07.5 – Lot types and Uses

All high-density land developments shall consist of a mixture of two or more of the following lot types and uses:

- A. Small single-family home lots
- B. Large single-family/two-family home lots
- C. Multiple family housing (including)
 - 1. Two family home lots
 - 2. Town house lots
 - 3. Apartment building lots
 - 4. Manufactured home development
- D. Civic buildings

Section 35. Amendment of Section 5.07.5A

Section 5.07.5A of the Evangeline Township Zoning Ordinance is hereby repealed in its entirety.

Section 36. Amendment of Section 5.07.10

Figure 5.07-2 within Section 5.07.10 of the Evangeline Township Zoning Ordinance is hereby amended as follows:

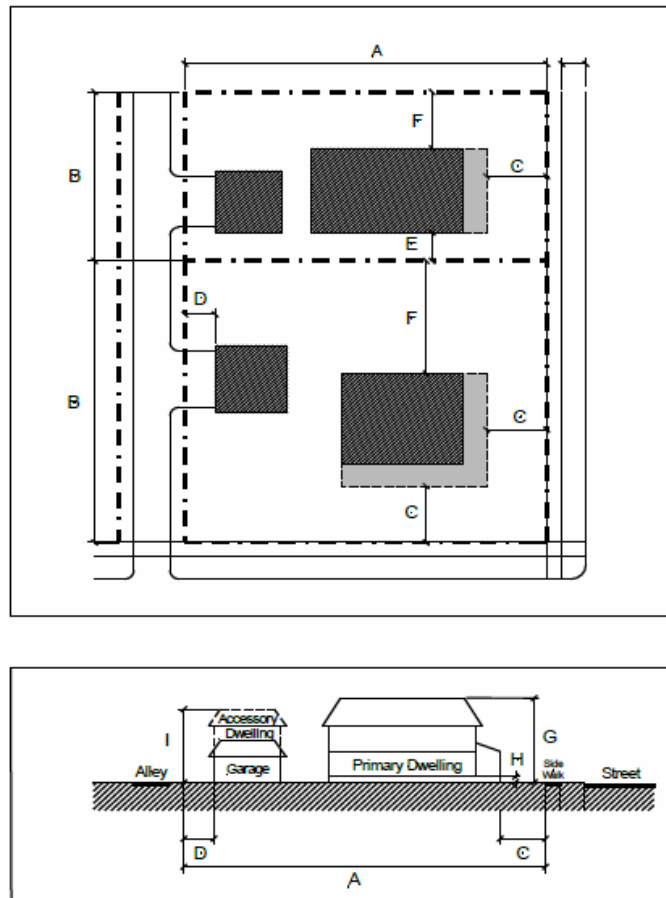


Figure 5.07-2 – Dimensional Standards

Section 37. Amendment of Section 5.07.21. B

Section 5.07.21. B. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- B. They are part of a mixed-use project containing a high-density residential component or campground, covering the majority of the developable area of the Master parcel.

Section 38. Amendment of Section 5.07

Section 5.07 of the Evangeline Township Zoning Ordinance is hereby amended to add a new Sections 5.07.24 through 5.07.29 which shall read in their entireties as follows:

Section 5.07.24 – Allowable Uses for Low-density Land Development

The following uses are allowed by right in this district:

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

Section 5.07.25 – 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 use 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 5.07.26 – Developable Area

All new structures on the Master Parcel shall be limited to areas where according to the Soil Survey of Charlevoix County, or verified by a licensed surveyor or wetland delineation survey.

- 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 5.07.27 – 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 5.07.28 – Maximum Number of Residential Dwellings

One Dwelling Unit shall be allowed per full 2 acres of gross Master Parcel area.

Section 5.07.29 – 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 39. Amendment of Section 5.08.1

Section 5.08.1 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 compatible with the preservation of the woodlands, wetlands and steep slopes. Wetlands are beneficial as water retention areas, water filtration areas, buffering systems for other water bodies and groundwater recharge areas. It is further the purpose of this district to protect public infrastructure investment; control the density of housing so as not to over-burden the public infrastructure and services; and ensure the adequacy and serviceability of public and private roads.

Section 40. Amendment of Section 5.11.1

Section 5.11.1 of the Evangeline Township Zoning Ordinance is hereby amended in the Maximum Imperviousness column heading row to read as follows:

Maximum Imperviousness (see footnotes (d) and (e) for exceptions.)

Section 41. Amendment of 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 permits as specified in Section 7.02. D of this Ordinance.

Section 42. Amendment of 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 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 43. Amendment of Section 8.13

Section 8.13 of the Evangeline Township Zoning Ordinance is hereby amended to remove the illustrations on pages VIII-7 and VIII-8 in their entirety.

Section 44. Amendment of Section 8.13

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

Section 8.13 – Storage Facilities

- A. Storage uses as allowed in the Industrial (I), and Mixed-Use Districts, including mini-storage, shall meet the following regulations.
1. 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.
 2. All buildings that will be clearly visible from the road or adjacent properties shall be screened by a vegetative buffer. At the time of initial installation and maintained thereafter, this buffer, at a minimum, will consist of two staggered rows of Red or White Pine, Norway Spruce, or Douglas Fir, or a mixture of any of these species. Trees shall be a minimum of 10 feet in height at planting. 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 5 feet in height may be planted on an earthen berm which shall be a minimum of 5 feet in height. Planting spacing shall remain the same. All transplanted trees except for seedlings shall be irrigated with a drip irrigation system for a minimum of 3 years after planting. 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.
 3. Any security fencing shall be located inside of the vegetative screening.
 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, or muted earth-tones as found in the natural environment of the surrounding areas within the township.
 7. All projects as a condition for approval shall have an engineered stormwater mitigation plan which complies with the Uniform Storm Water Management Ordinance for Charlevoix County.

Section 45. Amendment of Section 8.18

The introductory paragraph of 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:

Section 46. Amendment of 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 provisions 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 provided 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 47. Amendment of Section 10.03. A

The introductory paragraph of 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 ensure 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:

Section 48. Amendment of Section 10.04. B 1.

Section 10.04. B 1. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

1. A request for a rehearing which is made by an applicant must be made within whichever of the following deadlines occurs first:
 - a. Thirty (30) days after the Planning Commission or Zoning Board of Appeals issues its decision in writing and signed by the Chairperson.
 - b. Twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.

Section 49. Amendment of 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 date, 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 date, 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 dates, 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 50. 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 51. 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 52. 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

DRAFT