

# RECORD OF ORDINANCES

ORDINANCE NO. 6

Township of Evangeline County of Charlevoix

Ordinance No. 6 enacted by the Board March 19, 1973

Published: April 26, 1973, within 10 days after enactment.

Effective May 26, 1973.

## Record of votes of Board Members:

(Yes or No)

(Yes or No.)

_____	( )	_____	( )
_____	( )	_____	( )
_____	( )	_____	( )
_____	( )	_____	( )

I CERTIFY that publication was made on April 26, 1973  
within 10 days after enactment of ordinance.

Signed: \_\_\_\_\_, Township Clerk

THE TOWNSHIP OF Evangeline ORDAINS,

(See the following pages 1 through 30)

*Recorded 4/18/80.*

*M. G. H. L.*  
*Clerk*

Signed \_\_\_\_\_

Supervisor

Clerk

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EVANGELINE TOWNSHIP  
ZONING ORDINANCE  
CHARLEVOIX COUNTY, MICHIGAN

An Ordinance to establish zoning districts and regulations governing the unincorporated portions of Evangeline Township, Charlevoix County, Michigan, including the administration thereof, in accordance with the provisions of Act 184 of the Public Acts of 1943, as amended.

ARTICLE I - PREAMBLE

SECTION 1.01 - TITLE

This ordinance shall be known as the Evangeline Township Zoning Ordinance.

SECTION 1.02 - PURPOSE

The purpose of the ordinance is to:

Provide for the orderly development of the township:

- 1) Insure the public health, safety, morals and general welfare;
- 2) 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;
- 3) Reduce hazards to life and property;
- 4) Lessen congestion on the public roads and streets;
- 5) Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used;
- 6) Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements.
- 7) 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 - CONTINUED USE OF NONCONFORMING USES AND BUILDINGS

The lawful use of any land, building or structure existing on the date of enactment of this ordinance, although such use does not conform with the provisions of this Ordinance, may be continued at the discretion of the owner.

SECTION 1.04 - AUTHORITY

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Township Rural Zoning Act, Act 184 of the Public Acts of 1943, as amended.

## ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, certain terms used are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely directory. Whenever the word "owner" appears it is to be interpreted as including: The owner, his agent, or the leasee, as the case may be.

- 1) Accessory Building or Structure: A supplementary building or structure on the same premises as the main building or structure occupied by or devoted exclusively to an accessory use, but such use shall not include for dwelling or lodging purposes, or sleeping quarters for human beings.
- 2) Basement: That portion of the building which is partly underground and which has most of its floor to ceiling height below grade.
- 3) Buffer Strip: A planting strip at least ten (10) feet in width composed of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and not less than five (5) feet in height.
- 4) 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. This shall include tents, awnings, vehicles, whether mounted or not on wheels and situated on private property and used for purpose of a building.
- 5) Building, Height of: The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.
- 6) Cabins: Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence ninety (90) consecutive days, but shall not include what are commonly designated as hotels, lodging houses or tourist homes.
- 7) Cabin Parks: Any tract or parcel of land on which two or more cabins as herein defined, are maintained, offered or used for dwellings or sleeping quarters for transients.
- 8) 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.
- 9) Dwellings: Any building or part thereof, occupied as the home, residence and sleeping place of one or more persons, except house trailers, motels, and similar facilities offered to transients.

a) One family dwelling. A dwelling occupied by but one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family.

b) Two family dwelling. A dwelling occupied by two (2) families and so designed and arranged as to provide living, cooking, and kitchen accommodations for two (2) families.

10) Erected: Includes built, constructed, reconstructed, moved upon, or any physical operation on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

11) Farm: All of the unplatted, contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees, PROVIDED, however, that land to be considered a farm hereunder shall include a contiguous, unplatted partel of not less than ten (10) acres, PROVIDED, further, that orchards, hatcheries and similar specialized agricultural enterprises may be considered as farms; but establishments keeping fur-bearing animals, game or operated as fish hatcheries, dog kennels, stock yards, slaughter houses, stone quarries, gravel or sand pits or the removal and sale of top soil, fertilizer works, bone yards, piggeries, or for the disposal of garbage, sewage, rubbish, junk, or offal, shall not constitute a farm hereunder.

12) Farm Buildings: Any building or structure other than a dwelling moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

13) Floor Area: The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor areas with less than five vertical feet from floor to finished ceiling, all basements, including walkout basements, are excluded.

14) Green Belt Zoning: For the purpose of this act, Green Belt Zoning shall mean that any land abutting on rivers, streams or lakes shall be so improved as to maintain the natural vegetation twenty-five (25) feet distant from the water's edge at normal high water level. Trees and shrubs may be pruned, however, to afford a view of the water. That any dwelling erected thereon shall be located so that it shall not be less than fifty (50) feet from the water's edge and any septic tank or drain field shall be so located on the premises that any part shall be at least one hundred (100) feet distant from the water's edge.

- 15) Highway: Any public thoroughfare, road or street, except alleys including Charlevoix County, Federal and State Roads and highways.
- 16) Home Occupation: A gainful occupation by members of the family only, within its place of residence, provided that the space used is incidental to residential use.
- 17) Junk Yard: Any parcel of land on which two or more in-operable vehicles are parked, stored, partly dismantled, or wholly dismantled, shall be deemed to be a Junk Yard.
- 18) Lot: The parcel of land on which one (1) principal building and its accessories are placed together with the open spaces required by this Ordinance.
- 19) Lot Line: For the purpose of this Ordinance, a lot line is the boundary line between two (2) lots or the line between the properties of two (2) different owners.
- 20) Mobile Homes: Any house car, mobile home, trailer home, trailer coach, or similar vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling or sleeping place of one (1) or more persons, and having no foundation other than wheels, jacks, or skirtings but not including Travel Trailers or recreational type vehicles used for temporary seasonal travel.
- 21) Mobile Home Park: Any site, lot, field, tract, or parcel of land upon which three (3) or more occupied mobile homes are harbored either free of charge, or for revenue purposes and shall include any structure, building, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such park.
- 22) Nonconforming Use: Any use, whether a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.
- 23) Raceways: Raceways shall be defined as any trails, designated paths, routes, or roadways designed for the purpose of racing automobiles, horses, motorcycles, or snowmobiles.
- 24) Riding Stables: Riding Stables shall be defined as the keeping of two (2) or more horses for the purpose of renting the same, on either an hourly, daily, weekly, or any time period, to any other persons other than the owners thereof.
- 25) Right-of-way: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

27) Sanitary Landfill: Sanitary Landfill shall be defined as waste disposal areas, where the waste is deposited in a trench, compacted and back filled with land cover, in accordance with the Michigan Statutes regulating Sanitary Land Fill dumps.

28) Structure: A structure is any production or pieces of work artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings, signs and signboards.

29) Yard: A space open to the sky and unoccupied or unobstructed on the same lot with a building or structure.

3a) Yard, Front: A yard extending the full width of the lot between the front lot line and the nearest line of the main building.

b) Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

c) Yard Side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line of main building or of accessory building attached thereto.

30) Words Requiring Special Interpretation: Any words requiring special interpretation, and not listed above shall be used as defined in the Housing Law of Michigan, Act 167, of the Public Acts of 1917, as amended.

### ARTICLE III GENERAL PROVISIONS

#### SECTION 3.01 - SCOPE OF ORDINANCE

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

#### SECTION 3.02 - ESSENTIAL SERVICE CLAUSE PERTAINING TO UTILITIES

The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, generating or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police callboxes, traffic signals, hydrants, structures, towers, poles, electrical substations, gas regular 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 zoning board is notified at least 60 days prior to any major construction, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance.

### SECTION 3.03 - NONCONFORMING USES AND BUILDING

- a) Extension of Uses. Extension of any nonconforming use throughout a building or additions to any aforesaid building for the purpose of extending a non-conforming use or, the extension of any nonconforming use into or throughout a parcel of land not fully occupied by such nonconforming use may be granted by the Zoning Board on written application filed with the Zoning Administrator. Said Board may hold a public hearing upon such application. If it shall appear that the proposed extension will not be in accord with any provision of Section 1.02, then such application shall be denied.
- b) Discontinuance of Nonconforming Use. If the nonconforming use of any parcel of land, building or structure other than residential dwelling is discontinued or abandoned, lack of operations or otherwise for a continuous period of twelve (12) months, then any further use thereof shall conform to the provisions of this Ordinance.
- c) Changes of Nonconforming Uses. The nonconforming use of any parcel of land, building or structure shall not be changed to any other nonconforming use, nor shall any use be reverted to the former nonconforming use after such use has been changed to a conforming use.
- d) Repair and Improvement of Nonconforming Buildings and Structures. Nothing in this Ordinance shall prevent such repairs or improvements of a nonconforming building or structure existing on the date of enactment of this Ordinance as may be necessary to secure continued use, PROVIDED, that the owner first obtains a Zoning Permit as hereinafter provided.
- e) Restoration and Use of Damaged Nonconforming Buildings and Structures. Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and resumption of use of any nonconforming building or structure damaged by fire, collapse, explosion, Act of God, or acts of the public enemy following the effective date of this Ordinance, PROVIDED, that such reconstruction, repair or restoration is completed within twenty-four (24) months following the damage. In extenuating circumstances, additional time may be granted by the Zoning Board.
- f) Completion of Nonconforming Buildings and Structures. Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted within thirty (30) days prior to the passage of this Ordinance, and the construction of which shall have been completed within twelve (12) months after said date.

### 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) dwelling or main building or use, and no area necessary for compliance with the open-space requirements for one building or use shall be counted in the calculation or requirements for any other building or use.

b) Front and Side Yard Uses. Every part of every front and side yard shall be open and unobstructed from the ground up to the sky, except for unenclosed porches, chimneys, pilasters, sills, belt courses, cornices, eaves, gutters, breezeways and carports.

c) Accessory Buildings. All accessory buildings not attached to the main building shall be not less than ten (10) feet from the principal building and no less than ten (10) feet from any side lot line.

### SECTION 3.05 - MOBILE HOME AS DWELLING UNIT

"No mobile home shall be occupied as a dwelling unless it essentially complies with the minimum requirements for a dwelling. It shall be so treated if it is permanently emplaced on an adequate foundation and connected to approved water and sanitary facilities and the owner secures the written approval of a majority of the property owners whose land borders the land upon which it is proposed to move such mobile home together with the written consent of a majority of the owners of land within three hundred (300) feet of the proposed site."

### SECTION 3.07 - MOBILE HOME AS TEMPORARY DWELLING UNIT

It shall be lawful for any person or persons to occupy a mobile home or house trailer for dwelling or storage purposes while such occupant or occupants thereof are building a permanent residence for no longer than a period of twelve (12) months; and provided that such time may be extended for good reasons shown to the Board. Permission to occupy a mobile home while the occupants are building a permanent residence must be obtained from the Zoning Administrator who shall determine that the mobile home or trailer and the land on which it stands is in conformance with the Statutes of this State.

### SECTION 3.08 - MOBILE HOMES IN FRONT YARDS

No mobile home or house trailer shall be parked in the front yard of any lot or parcel containing a dwelling, for a period of more than thirty (30) days in any calendar year, and then only with the written approval of all adjoining property owners.

### SECTION 3.09 - WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

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 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 3.10 - VEHICULAR PARKING SPACE AND ACCESS THERETO

For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the township, and 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:

USES: Residential Uses;

REQUIREMENTS: two (2) spaces per dwelling unit.

USES: Commercial, Service and Offices Uses;

REQUIREMENTS: three (3) square feet of parking per square foot of gross floor area.

USES: Industrial Uses;

REQUIREMENTS: one (1) square foot of parking per square foot of gross floor area.

In case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed.

Exits and entrances may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

#### SECTION 3.11 - GRADING

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding on or surface accumulation of such runoff thereon.

#### SECTION 3.12 - UTILITY BUILDINGS AND STRUCTURES

The erection, alteration, maintenance and operation of utility buildings and structures, and of power, communication, supply, disposal, distribution and similar utility facilities, including accessories essential therewith as authorized and regulated by law shall be permitted in every zoning district, PROVIDED, the Zoning Board is notified at least 60 days prior to any major construction, it being the intent thereof to exempt such buildings, structures, and systems from the application of this Ordinance when not in conflict with the provisions of Section 1.022. When in conflict, the Zoning Board shall have the power to determine reasonable conditions under which such facilities shall be erected.

#### SECTION 3.13 - FARM BUILDINGS AND STRUCTURES

All buildings and structures customarily erected and used on farms in the Township, except dwellings, shall be exempt from the provisions of this Ordinance, PROVIDED, however, that no such buildings or

structures shall hereafter be erected less than twenty-five (25) feet from the highway right-of-way line, or less than fifty (50) feet from any side or back line of the premises.

#### SECTION 3.14 - SIGNS, PERMANENT

(a) The regulations set forth herein shall apply and govern signs in all zoning districts. No sign shall hereafter be erected, moved or structurally altered unless it is in conformity with the following provisions and unless a permit is obtained for such use.

(1) No sign shall project over a public right-of-way except in cases where signs are affixed to a structure that is built on the property line of a lot. Said sign shall not project more than six (6) inches beyond the face of the wall to which it is attached.

(2) Signs not exceeding four (4) square feet in area may be utilized for traffic regulation or direction.

(3) No sign shall be erected upon the inside of the curve of a street which may cause any interference to sight distance in the opinion of the Zoning Administrator.

(4) No sign shall be so placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

(5) No sign shall contain, include or be illuminated by a flashing light.

(6) All illumination, unless otherwise approved by the Board of Appeals, shall not have the source of light visible beyond the property lines of the parcel upon which the sign is located.

(7) 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 control.

(c) The following signs are permitted in the following zoning districts:

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. There shall be no more than one (1) sign for each street upon which the property faces.

DISTRICT: R-2; SIGN TYPE: A non-illuminated, freestanding sign advertising a recorded subdivision or development. Such sign shall not exceed one hundred (100) square feet in area and shall be placed no closer than ten (10) feet to street right-of-way line.

DISTRICT: R-3; SIGN TYPE: A non-illuminated, freestanding sign advertising a recorded subdivision or development. Such sign shall not exceed one hundred (100) square feet in area and shall be placed no closer than ten (10) feet to a street right-of-way line.

DISTRICT: C-1; SIGN TYPE: (1) 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.

(2) 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.

(3) Freestanding directory signs advertising businesses or activities conducted, an area of interest, or a service available on the premises. Such signs shall not exceed eighty (80) 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 of the permitted uses on the property on which the sign is located.

DISTRICT: I-1; SIGN TYPE: (1) Freestanding directory signs advertising businesses or activities conducted, an area of interest, or a service available on the premises. Such signs shall not exceed eighty (80) square feet, and there shall be no more than one (1) sign for each street upon which the property faces. Such signs shall convey only identification of the permitted uses on the property on which the sign is located.

(2) Directory signs affixed to, or painted on, a building advertising businesses or activities conducted, an area of interest, or a service available on the premises. The total area of such signs shall not exceed twenty (20) percent of the area of the building face upon which it is mounted. In addition, the signs shall not exceed the maximum height limitations permitted in the zoning district. Where a sign projects more than three (3) inches from the face of a building, it shall be at least ten (10) feet above the ground at its lowest level.

(3) Signs advertising a general brand or product, an area of interest, a business conducted, or a service available, generally referred to as billboards. Such signs shall not exceed three hundred and fifty (350) square feet in area, and they shall conform to the height, yard and setback requirements of the zone in which they are located. All such signs shall be three (3) feet or more above the ground. Further, such signs shall be spaced not closer than one thousand (1,000) feet to any other billboard on one (1) side of a street or road, or on opposite sides shall be

no closer than five hundred (500) feet laterally distant along the right-of-way from any other billboard and shall not be located closer than five hundred (500) feet from any major arterial intersection.

DISTRICT: A-1; SIGN TYPE: (1) 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.

(2) 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) sign for each permitted use.

(3) Freestanding directory signs advertising businesses or activities conducted, an area of interest, or a service available on the premises. Such signs shall not exceed eight (80) square feet, and there shall be no more than one (1) sign for each street upon which the property faces. Such signs shall convey only identification of the permitted uses on the property on which the sign is located.

Application for a sign permit shall be made and submitted to the Zoning Administrator on appropriate forms furnished by the Administrator. A fee shall accompany the application, based on the following table:

Freestanding or pole sign --- 15 cents per square foot with a minimum of five dollars (\$5.00).

Flat signs affixed to a structure --- 10 cents per square foot with a minimum of five dollars (\$5.00).

#### Section 3.15 - GREEN BELT PROVISION

Any land used abutting river, streams or lakes within Evangeline Township shall comply with the requirements of Green Belt Zoning as defined in Article II, Point 14.

#### Section 3.16 - DEVELOPMENT PLAN REQUIREMENTS

No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zoning districts where a development plan is required, unless a development plan is submitted to the Township Zoning Board and the Zoning Administrator and approved by the Township Zoning Board. Three (3) copies of the development plan drawn to scale shall be filed with the Zoning Administrator and shall contain the following information.

- (a) Total area in the development project.
- (b) Location, shape, area and dimension of the lot, lots or acreage to be used.
- (c) Present zoning of the subject property and adjacent property.
- (d) All public and private rights-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated and abandoned.
- (e) Location and total number of curb cuts, driveways, off-street parking spaces and loading spaces.
- (f) Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
- (g) Location and dimensions of all existing and proposed structures, walks, malls, open area, walls, fences, screen plantings and (or) other landscaping.
- (h) Existing and proposed sewer, water and other utility lines plus location and type of sewage treatment facility and water source.
- (i) Required setbacks of the zoning district.
- (j) Area of subject property to be covered by buildings.
- (k) Location, size, height and orientation of all signs.
- (l) Development plans for residential projects (multiple family developments and mobile home parks) shall include the following additional information:
  - (1) Minimum floor area of dwelling units.
  - (2) Total number of units proposed.
  - (3) Number of bedrooms per unit in multiple family developments.
  - (4) Areas to be used for open space and recreation.
- (m) Such other information regarding the development area that may be required to determine conformance with this Ordinance.

### Section 3.17 - BUFFER STRIPS

A buffer strip, as defined herein, shall be required for any commercial or industrial use that abuts a residential use on either the side yard or rear yard. In all instances, this may be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential property owners, the buffer strip may be omitted or a fence substituted for the buffer strip if, after public hearing and notice, the Zoning Board of Appeals finds that there would be no adverse effects upon neighboring property resulting from the waiver or omission.

## ARTICLE IV - DISTRICTS

### Section 4.01 - KINDS OF DISTRICTS

For the purpose of this Ordinance, all of the unincorporated area of Evangeline Township is hereby divided into the following Zoning Districts, the location of which Districts is shown on the accompanying ZONING MAP OF EVANGELINE TOWNSHIP.

(a) Residential	R-1
(b) Medium Density Residential	R-2
(c) High Density Residential	R-3
(d) Commercial	C-1
(e) Industrial	I-1
(f) Agricultural	A-1
(g) Recreational	R-C

### Section 4.02 - ZONING MAP OF EVANGELINE TOWNSHIP

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 centerlines 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 this Ordinance, or any extension of said lines.

## ARTICLE V - ZONE DISTRICTS

### Section 5.01 - RESIDENTIAL R-1

#### A) Uses

Land, buildings, structures, erected, altered and (or) used, shall be



for the following purposes only:

- 1) Detached one-family or two family-dwellings.
- 2) Home occupations, PROVIDED, however, that such occupations shall be situated entirely within the dwelling, and that there be no externally visible display of stock, goods, or facilities relating to the occupation on the premises, and that no more than one non-illuminated nameplate not exceeding four (4) square feet in area containing the name of the person and occupation be displayed. Each sign shall be located at least twenty (20) feet from road right-of-way.
- 3) Churches, schools, libraries, parks, playgrounds, clinics, and sanitariums, convalescent homes, publicly owned buildings, truck gardens, nurseries, PROVIDED, however, that a special use permit as authorized in Article VII be obtained.
- 4) Accessory buildings, structures and uses customarily incidental to any of the above uses when not constituting a nuisance. Attached garages shall be deemed a part of the dwelling or other main building and as such shall conform to all setback and yard requirements governing such buildings.

#### B) SIZE OF PREMISES

- 1) Every parcel of land upon which a one-family dwelling is hereafter erected shall contain not less than 14,000 square feet, and not less than 28,000 square feet for a two-family dwelling.
- 2) The minimum frontage abutting on a highway, road, lake, or river, shall be one hundred (100) feet frontage, unless the property lines are of legal record on the date of enactment of this Ordinance.

#### C) FLOOR AREA

- 1) Every one-family dwelling hereafter erected shall contain not less than six hundred fifty (650) feet of floor area at the first floor level exclusive of any area in an attached garage, open porch, or other open attached structure.
- 2) Every two-family dwelling hereafter erected shall contain not less than thirteen hundred (1300) square feet of floor area at the first floor level exclusive of any area in an attached garage, open porch, or other open attached structure.

#### D) HEIGHT REGULATIONS

- 1) No building shall exceed thirty (30) feet in height.

#### E) SETBACK AND YARD REQUIREMENTS

- 1) Setback. The front line of every building hereafter erected (or altered) shall be located not less than twenty-five (25) feet from the highway right-of-way line or front lot line, as the case may be.
- 2) Side Yard. Every building hereafter erected (or altered) shall have a side yard on each side not less than ten (10) feet in width. The

exterior side yard of a building erected on a corner lot shall not be less in width than the setback required of buildings fronting on the intersecting highway.

3) Rear Yard. Every dwelling hereafter erected (or altered) shall have a rear yard no less than twenty (20) feet in depth.

#### Section 5.02 - MEDIUM DENSITY 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 public water and sewage systems.

B) Uses. Land, buildings and structures erected, altered and (or) used shall be for the following purposes only:

- 1) Detached single family or two family dwelling units.
- 2) Churches, schools, libraries, parks, playgrounds, clinics, and sanitariums, convalescent homes, publicly owned buildings, truck gardens, nurseries, PROVIDED, however, that a special use permit, as authorized in Article VII, be obtained.

3) Accessory uses customarily incidental to the preceding listed permitted uses.

C) AREA RESTRICTIONS: No building or structure shall hereafter be erected, altered or enlarged unless the following yards and lot area requirements are provided and maintained.

1) Front yard. There shall be a minimum front yard of twenty-five (25) feet.

2) Side yards. There shall be a minimum side yard of at least ten (10) feet each side of any building. The exterior side yard of a building erected on a corner lot shall have at least twenty-five (25) feet.

3) Rear Yard. There shall be a minimum rear yard of not less than twenty (20) feet.

4) Lot Area. There shall be a minimum lot area of eleven thousand (11,000) square feet and a minimum width of seventy-five (75) feet.

D) HEIGHT REGULATIONS. No building shall exceed thirty (30) feet in height.

E) FLOOR AREA REQUIREMENTS.

1) Every one family dwelling unit hereafter erected shall contain not less than six hundred and fifty (650) square feet of floor area at the first floor level exclusive of any area in an attached garage, open porch, or other open attached structure.

2) Every two family dwelling unit hereafter erected shall contain not less than thirteen hundred (1300) square feet of floor area at the first floor level exclusive of any area in an attached garage, open porch or other open attached structure.

#### Section 5.03 - HIGH DENSITY RESIDENTIAL R-3

A) Purpose. The purpose of this zone district is to provide a stable and sound environment for multiple family dwelling units. This zoning district will allow a choice of dwelling unit types in Evangeline Township, and will encourage developers to be more imaginative and creative in their design of living areas. It is also the purpose of this zone district to achieve the following:

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 encourage the provision of open space and the development of recreational facilities in a central location, within reasonable distance of all dwelling units.

3) To allocate lands within the township where developers can realize an economic return while creating a development which accommodates dwelling units with shared open spaces and recreation areas.

4) To encourage variety in the physical development of the township by providing a mixture of housing types and to insure the continued desirability and stability of the township.

B) Uses. Land, buildings and structures, erected, altered and (or) uses shall be for the following purposes only:

1) Multiple family dwelling units.

2) Playgrounds, parks, tot lots, open spaces and other 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 including, but not limited to, off-street parking, as required in Article III, Section 3.09 of this Ordinance.

C) Area Regulations. No building or structure shall hereafter be erected, altered or enlarged unless the following yards and lot area requirements are provided and maintained.

1) Front Yard. Where it is the intention of the developer to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which this zoning district abuts of at least seventy-five (75) feet; the front twenty-five (25) feet of which shall be landscaped. Where the front yard area is not used for parking, there shall be a minimum front yard of forty (40) feet.

2) Side Yards. There shall be a minimum side yard of thirty (30) feet each.

3) Rear Yard. There shall be a minimum rear yard of thirty (30) feet.

4) Not more than fifteen (15) percent of the area of each project in this zoning district may be occupied by residential buildings.

5) Not more than ten (10) dwelling units per net acre (exclusive of streets and alleys) shall be permitted in this zoning district.

6) Each dwelling unit in this zoning district shall contain a minimum of seven hundred (700) square feet of floor area.

D) HEIGHT REGULATIONS. No building shall exceed thirty (30) feet in height.

#### E) OTHER DEVELOPMENT REGULATIONS

1) The horizontal distance measured in feet between parallel or nearby parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.

2) 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 right-of-way lines.

3) All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.

4) 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 access way or automobile parking facilities.

5) Provisions shall be made for safe and efficient ingress and egress to the public streets and highways servicing this Zoning District without undue congestion or interference with normal traffic flow.

6) All buildings within the zoning district shall be served by a sanitary sewage disposal system and water supply system. All utility lines (power, telephone, water, gas, cable TV) serving this Zoning District shall be placed underground.

7) The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces which add to the overall development of the area.

8) The developer shall be encouraged to give consideration to the provision of community areas, laundry facilities, playground and tot lots, and other services necessary for the comfort and convenience of the residents.

9) A development plan shall be submitted for each multiple family development or other permitted use in this Zoning District in accordance with Article III, Section 3.14 of this Ordinance, and said plan shall indicate or illustrate how the requirements of this Section are being met.

#### Section 5.04 - COMMERCIAL C-1

The following provision shall apply to all Commercial Districts C-1.

A) Uses. Land, buildings and structures, erected, altered and (or) used, 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 four side-walls.

2) Personal service shops, such as barber shops, beauty parlors, shoe and tire repair shops, laundry and dry cleaning pick-up shops.

3) Professional offices.

4) Banks, restaurants, dressmaking, tailoring, millinery and photographics.

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.

8) Other similar uses provided that such uses shall be found to be similar by the Township Zoning Board. The Township Zoning Board shall make its determination of whether or not a proposed use is "similar" only after a public hearing has been held with notice of said hearing published in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.

B) SIZE OF PREMISES. There shall be no minimum lot area requirement in this zoning district.

#### C) SETBACK AND YARDS.

1) Front Yard. There shall be a front yard of not less than twenty-five (25) feet, PROVIDED, that where established or adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less depth than the average front yards for those buildings located on each side of the proposed building and provided that this provision shall not be interpreted to require a front yard of more than forty (40) feet nor less than fifteen (15) feet.

2) Side Yards. Every building hereafter erected shall provide a side yard on each side not less than ten (10) feet in width 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.

D) HEIGHT OF BUILDING. No building shall hereafter be erected (or altered) exceeding a height of thirty (30) feet.

E) FLOOR AREA. There shall be no minimum floor area requirement in this zoning district.

#### Section 5.05 - INDUSTRIAL I-1

The following provisions shall apply to all Industrial District I-1:

A) USES. Land, buildings and structures, erected, altered and or used, shall be for the following purposes only:

- 1) Warehouses and storage buildings.
- 2) Lumber Yards.
- 3) Commercial Laundry and dry cleaning establishments.
- 4) Establishments contained within a building which are operated and used for fabricating, assembling and development activities.
- 5) Other similar uses, PROVIDED, however, that such uses shall be found to be similar by the Township Zoning Board. The Zoning Board shall make its determination of whether or not a proposed use is "similar" only after a public hearing has been held with notice of said hearing published in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.

B) SIZE OF PREMISES. Every parcel of land upon which a building is hereafter erected shall contain no less than twenty thousand (20,000) square feet of area, and shall be no less than one hundred (100) feet in width throughout its depth.

#### C) SETBACK AND YARDS.

1) Setback. The front line of every building hereafter erected (or altered) shall be located not less than twenty-five (25) feet from the highway right-of-way or the front of the lot line as the case may be.

2) Side Yards. Every building hereafter erected (or altered) shall provide side yards on each side not less than ten (10) feet.

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.

D) HEIGHT OF BUILDING. No building shall be hereafter erected (or altered) exceeding a height of thirty (30) feet.

## Section 5.06 - AGRICULTURAL DISTRICT A-1

The following provisions shall apply to all land and or buildings in the Agricultural District A-1:

A) USES. Land, buildings and structures, erected, altered and or used, shall be for the following purposes only:

1) Farms, including both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.

2) Home Occupations, PROVIDED, however, that such occupations shall be situated entirely within the dwelling, and that there be no externally visible display of stock, goods, or facilities relating to the occupation on the premises, and that no more than one non-illuminated nameplate not exceeding four (4) square feet in area containing the name of the person and the occupation be displayed.

3) Golf Courses, country club, riding stables and publicly owned recreation areas.

4) One (1) single family dwelling on each lot.

5) Parks, playgrounds, playfields, museums, libraries, fire stations, schools, community centers and other public buildings owned and operated by a governmental agency or a non-profit neighborhood group.

6) Accessory uses customarily incidental to the preceding listed permitted uses including but not limited to offstreet parking as required by Article III, Section 3.09 of this Ordinance.

7) Special uses that may be authorized in this zoning district include the following uses, PROVIDED, that an application is submitted for a special use permit and approved in accordance with the procedures, provisions and standards of Article III, Section 7.05 of this Ordinance.

+Religious institutions, cemeteries, and institutions for human care.

+Commercial natural resource extraction or relocation, including sand or gravel, but specifically exempting cases where land grades are changed in connection with erection or construction of any roads, and other land improvements in which case such operation shall be permitted without a special use permit.

+Camps, clubs, campgrounds, PROVIDED, no commercial activities shall be conducted on the premises.

+Clinics, sanitariums, convalescent homes, and nurseries.

B) AREA REGULATIONS. No building or structure shall be hereafter erected, altered or enlarged unless the following yards and lot area are provided and maintained in connection with such alteration, construction or enlargement.

1) Front Yard. There shall be a minimum front yard of twenty-five (25) feet.

2) Side Yards. There shall be a minimum side yard of ten (10) feet on each side of a residential building. For agricultural buildings,

there shall be a minimum side yard of fifty (50) feet.

3) Rear Yard. There shall be a minimum rear yard of twenty (20) feet. For agricultural buildings, there shall be a minimum rear yard of fifty (50) feet.

4) Lot Area. There shall be a minimum lot area of one (1) acre (or acres) with a minimum lot width of two hundred (200) feet.

C) FLOOR AREA REQUIREMENTS. No building shall be erected or installed with a floor space of less than six hundred and fifty (650) square feet.

D) HEIGHT REGULATIONS. No building shall exceed thirty (30) feet in height.

#### Section 5.07 - RECREATIONAL R-C

A) This area includes only those lands in the Township which are public access and park areas, owned by the public, either State, County, or Township. The purpose is to preserve State, County, and Township property as places for public use.

### ARTICLE VI ADMINISTRATION AND ENFORCEMENT

#### Section 6.01 - ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable. For the purpose of this Ordinance, he shall have the power of a police officer.

#### Section 6.02 - ZONING PERMIT AND CERTIFICATE OF COMPLIANCE

A) No building or structure subject to the provisions of this Ordinance over a value of one thousand dollars (\$1,000.00) shall hereafter be erected, altered, reconstructed, used, or moved, until application for a Zoning Permit has been filed with the Township Zoning Administrator on duplicate forms provided by the Township and the Zoning Administrator has issued such a certificate. No such Certificate shall be required for any lawful use of any building or structure in effect at the time of passage of this Ordinance.

B) The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. The application shall be filed not less than ten (10) days prior to the intended initiation of any work on the premises, and shall be accompanied by:



1) A blueprint or pen and ink sketch to scale in duplicate showing the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, or structures to be erected or altered; the width and alignment of all abutting streets, highways, alleys, easements and public open spaces; the front yard dimensions of the nearest buildings on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining lands or lots and to be erected on the premises under consideration; and the location of all wells on adjoining lands or lots and to be erected on the premises;

2) Such approvals of other agencies as may be required by this Ordinance;

3) Such other information as may be required to determine compliance with the Ordinance.

C) Any Zoning Permit under which no work is done within twelve (12) months from date of issuance shall expire by Limitation; but shall be renewable upon re-application and one (1) payment of one-half (1/2) of the original fee, subject, however, to the provision of all Ordinances in effect at the time of renewal. No permit shall be transferable.

D) 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.

E) Within ten (10) days after receiving written notification or compliance with the provisions of this Ordinance, the Zoning Administrator shall inspect the premises and issue the owner a Certificate of Compliance if the completed building, structure and use are in conformity with the Ordinance.

F) For each Zoning Permit, the following shall be paid to the Township Treasurer who shall place the same in a separate fund to be known as the Evangeline Township Zoning Ordinance Fund, and which fund shall be used solely for the administration of the Ordinance as directed by the Township Board. 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. No fee shall be required for a Certificate of Compliance.

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees hereinafter specified as follows:

- 1) For each petition for an appeal from a decision of the Zoning Administrator to the Board of Appeals or for variance, a fee of ten dollars (\$10.00) shall accompany the petition or application.
- 2) For each petition for an amendment to this Ordinance, a fee of twenty-five dollars (\$25.00) shall accompany the petition or application/
- 3) For each petition for a special use permit, a fee of twenty-five dollars (\$25.00) shall accompany the petition or application.
- 4) For each application for a zoning permit, a fee of ten dollars (\$10.00) shall accompany the application.

G) It shall be the duty of all architects, contractors and other persons having charge of erection, reconstruction or movement of a building or structure, subject to the provisions of this Ordinance before undertaking any such work to determine that proper certificate has been granted therefore; and all such persons performing any work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner and to the same extent as the owner of the premises.

#### Section 6.03 - AMENDMENT PROCEDURE

Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

- A) The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the zoning map may be amended, supplemented or changed by ordinance of the Township Board.
- B) Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Zoning Board or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- C) The procedure to be followed for initiating and processing an amendment shall be as follows:
  - 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee prescribed in Section 6.02 to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner if the public hearing is held.
  - 2) The Zoning Administrator shall notify, in writing, the Township Board and chairman of the Township Zoning Board at the same time, or before, he transmits the amendment request to the Township Zoning Board.

3) The Township Zoning Board 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 Township Zoning Board may recommend any additions or modifications to the original amendment proposal.

4) After deliberation on any proposal, the Township Zoning Board 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. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by certified mail to each public utility company and railroad within the zone affected. The notices shall include the places and times at which the tentative text and any map of the zoning ordinance may be examined.

5) Following the public hearing, the Township Zoning Board shall submit the proposed amendment to the County Planning Commission for review. The approval of the Planning Commission shall be presumed unless the Planning Commission shall, within thirty (30) days of receipt of the proposed amendment, have notified the Township Clerk of its disapproval.

6) Following the review by the Planning Commission, the Township Zoning Board shall transmit the proposed amendment to the Township Board and, if the Township Board shall deem any amendments, changes, additions or departures advisable as to the proposed text or district boundaries, it shall refer the same to the Township Zoning Board for a report thereon within thirty (30) days. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Township Zoning Board to attend such hearing. Thereafter, the Township Board may adopt the amendment without changes in accordance with the provisions and procedures of Act 184 of the Public Acts of 1943.

7) No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

D) The Township shall have the power to revoke or cancel any change of zone affected for any failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any petition, application, specification, plan or sketch submitted or filed pertaining to rezoning proceedings, or for failure to carry out any provisions of such application, petition, specification, plan or sketch or conditions or provisions on which such amendment was granted.

## Section 6.04 - PENALTIES

A) Any building or structure which is erected, altered, maintained or used and any use of land which is begun, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person, firm, corporation or other organization which violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision, shall be fined upon conviction not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars together with the cost of prosecution, or shall be punished by imprisonment in the county jail for not less than five (5) days nor more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein at the discretion of the court. Each and every ten (10) day period, during which an illegal erection, alteration, maintenance or use continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

B) The Township Board, the Zoning Board of Appeals, the Prosecuting Attorney of the County, or any owner or owners of real estate within the township in which such building, structure, or premises is situated may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

## Section 6.05 - VALIDITY

This Ordinance and various parts, section, sub-sections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, sub-section, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, section, sub-section, phrases, sentences or clauses be declared invalid.

## ARTICLE VII - ZONING BOARD OF APPEALS

### Section 7.01 - CREATION

There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided by Act 184 of the Public Acts of 1943, as amended, and by the provisions of this Ordinance, and in such a

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

#### Section 7.02 - MEMBERSHIP

The Zoning Board of Appeals shall consist of three (3) members as provided by Section 18 of Act 184 of Public Acts of 1943. Members of said Board shall be removable by the Township Board for non-performance 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 7.03 - 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) RECORDS - Minutes shall be recorded of all proceedings which shall contain evidence and data 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 determination 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 decision shall be sent promptly to the application and to the Zoning Administrator.
- E) SECRETARY AND COUNSEL - The Township Clerk shall be responsible for acting as the 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 direction. The Township Legal Counsel shall, upon request by the Board, be present at designated meetings.

#### Section 7.04 - APPEALS

- A) APPEALS to the Zoning Board of Appeals may be taken by any person aggrieved, or by an officer, department or board of the township.

B) TIME LIMIT - Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals through the Zoning Administrator within thirty (30) days after the date of the Zoning Administrator's decision which is the basis of the appeal. The persons making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

C) HEARINGS - When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Zoning Board of Appeals may recess such hearing from time to time; and, if the time and place of the continued hearing be publicly announced at the adjournment, no further notice shall be required.

D) DECISIONS - The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned. Decisions made by the Zoning Board of Appeals will be forwarded, in writing, to the appealing party and the Zoning Administrator. Any decision of the Board shall not become final until the expiration of ten (10) days from the date of entry of such order and service of the same upon the parties concerned unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights or public safety and shall so certify on the record.

E) REPRESENTATION - Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

#### Section 7.05 - DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

The Township Zoning Board of Appeals shall have the following specified duties and powers:

A) REVIEW - Shall hear and decide appeals from any review, any order, requirement, decision or determination made by the Zoning Administrator in the administration of this Ordinance.

B) INTERPRETATION - Shall have the power to:

1) Hear and decide upon appeals for the interpretation of the provisions of this Ordinance:

2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision on such subject made by the Zoning Administration.

C) 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 the basic conditions listed below are satisfied.

It shall be found by the Zoning Board of Appeals that any variances granted:

1) Will not be contrary to the public interest or to the spirit and intent of this Ordinance;

2) Shall not permit the establishment within a zoning district of any use which is not permitted by right within that district;

3) Will not cause any adverse affect to property in the vicinity or in the zoning district or the township;

4) Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable;

5) Relates only to property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.

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 regulations or provisions to which such variances applies. The breach of any such condition shall automatically invalidate the permit granted.

2) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

3) Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six (6) months after the granting of the variance.

### ARTICLE MIII SPECIAL USE PERMITS

#### Section 8.01 - PURPOSE

Certain land use activities entitled "special uses" might be authorized in the various zoning districts but only if adequate safeguards are provided to insure the protection of the public health, safety and general welfare. The special uses that may be authorized are listed in the "Use Regulations" portion of each zoning district.

#### Section 8.02 - PROCEDURE

An application for a special use permit shall be processed in the following manner:

- a) Applications for special use permits shall be submitted to the Zoning Administrator on a form supplied for such purpose.
- b) The zoning administrator shall forward the application and supporting data to the Zoning Board.
- c) The Zoning Board shall review the proposal as presented in the application and in terms of the specifications established in this Ordinance.
- d) After adequate review and study of an application, the Zoning Board shall hold a public hearing when the following requirements are met: A notice of the purpose, time and place of the hearing shall appear in a newspaper having general circulation within the township no less than fifteen (15) days prior to the date of the hearing.
- e) The Zoning Board, after the public hearing, may issue a special use permit subject to the final approval of the Township Board. A copy of the decisions of both, with any conditions or reasons for rejections, if it be so, shall be sent promptly to the Zoning Administrator and to the applicant.

#### Section 8.03 - BASIS OF DETERMINATION

The Zoning Board shall review the proposed special use in terms of the standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location:

- a) Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed to be located.
- b) Will not be hazardous or disturbing to existing or future nearby uses.
- c) Will be equal to or an improvement in relation to property in the immediate vicinity and to the county as a whole.
- d) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- e) Will not create additional public costs and will not be detrimental to the economic welfare of the township.
- f) Will be consistent with the intent and purposes of this Ordinance.



ARTICLE IX  
EFFECTIVE DATE OF ORDINANCE

Section 9.01

This ordinance was adopted on March 19, 1973 by the Evangeline Township Board. It will become effective thirty (30) days following its publication.

Joseph Eaton  
Supervisor

Leslie M. Boe  
Clerk