

ZONING ORDINANCE

EVELINE TOWNSHIP
CHARLEVOIX COUNTY, MICHIGAN

EFFECTIVE DECEMBER 5, 2006
INCLUDING AMENDMENTS EFFECTIVE

November 1, 2008
November 26, 2008
November 3, 2009
June 3, 2010
June 3, 2011
November 24, 2012
August 24, 2013
December 21, 2013
September 20, 2014
October 22, 2016
May 5, 2017
December 23, 2017
June 22, 2018

Eveline Township
Charlevoix County, Michigan
Zoning Ordinance
Ordinance No. 13

An Ordinance to establish Zoning Districts and regulations governing the unincorporated portions of Eveline Township, Charlevoix County, Michigan including the administration thereof, in accordance with the provisions of the Michigan Zoning Enabling, Act 110 of the Public Acts of 2006, as amended.

Eveline Township hereby ordains:

ARTICLE 1
INTRODUCTION

SECTION 1.1 PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan and for the purpose of promoting and protecting the public health, safety, convenience, and general welfare of the inhabitants of Eveline Township, in accordance with a Master Plan; now therefore:

Section 1.1

SECTION 1.2 SHORT TITLE

This Ordinance shall be known as the “Eveline Township Zoning Ordinance” and may herein be referred to as “the Ordinance”

Section 1.2

SECTION 1.3 PURPOSE

The purpose of this Ordinance is to:

- A. Provide for the orderly development of the Township.
- B. Improve the public health, safety, and general welfare.
- C. Promote the use of lands and natural resources of their character and adaptability and in turn, limit their improper use.
- D. Reduce hazards to life and property.
- E. Lessen congestion on the public roads and streets.
- F. Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and use.
- G. Facilitate the development of adequate systems of transportation, education, recreation, sewage disposal, safe and adequate water supply, and other public requirements.
- H. 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 1.3 Purpose

SECTION 1.4 CONFLICTING REGULATIONS

- A. Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern as allowable under law.

Section 1.4

- B. Except as otherwise be provided in this section, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this section shall be subject to all regulations of this section which are applicable in the zoning district in which such use, building or structure is located.
- C. This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement.
- D. Eveline Township hereby repeals the previous Zoning Ordinance and all of its amendments.
- E. The repeal of the previous Zoning Ordinance and all of its amendments, as provided in subsection D, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed are hereby continued in force and effect after the passage, approval and publication of this Zoning Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

ARTICLE 2

ZONING DISTRICTS, ZONING

SECTION 2.1 ZONING DISTRICTS

A. Single Family Residential R

1. Purpose. The purpose of this Zoning District is to provide a stable and sound environment for single-family dwellings. This will be achieved by restricting uses and activities which are not appropriate in such an area.
2. Permitted and Special Land Uses, *See Section 2.2*
3. Dimensional Restrictions, *See Section 2.3*

B. Multiple Family Residential MF

1. Purpose. The purpose of this Zoning District is to provide a stable and sound environment for multiple-family dwellings. This Zoning District will allow a choice of dwelling unit types in Eveline township, and will encourage developers to be more imaginative and creative in their design of living area. It is also the purpose of this Zoning District to achieve the following:
 - a. To provide a more desirable living environment by preserving the natural characteristic of open fields, stands of trees, flood plains, bodies of water, and similar natural assets.
 - b. To encourage the provision of open space and the development of recreational facilities in a central location, within reasonable distance of all dwelling units.
 - c. To allocate lands within the township where development accommodates small dwelling units with shared open spaces and recreation areas.
 - d. 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.
2. Permitted and Special Land Uses, *See Section 2.2*
3. Dimensional Restrictions, *See Section 2.3*

C. Mobile Home Park Residential MH

1. Purpose. The purpose of this District and its accompanying regulations is to provide for a stable and sound environment for mobile home residential development.
2. Permitted and Special Land Uses, *See Section 2.2*
3. Dimensional Restrictions, *See Section 2.3*

D. Rural Residential RR

1. Purpose. The purpose of this District is to designate and retain lands for Rural Residential use in the Township. To allow large lot residential use in conjunction with limited agricultural uses and animal keeping and grazing. Preserving a rural atmosphere for areas not appropriate for intensive agricultural uses and outside of the core residential areas surrounding the villages of Ironton and Advance.
2. Permitted and Special Land Uses, *See Section 2.2*
3. Dimensional Restrictions, *See Section 2.3*

E. Farm-Forest FF

1. Purpose. The purposes of this District, among others, are as follows:
 - a. To conserve areas containing unique and sensitive natural features such as steep slopes, floodplains and wetlands, by setting them aside from development;
 - b. To protect areas of the Township with productive agricultural and forestry soils for continued or future agricultural/forestry uses, by conserving blocks of land large enough to allow for efficient farming/forestry operations unimpeded by other types of development;
 - c. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for new development;
 - d. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
 - e. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
 - f. To implement adopted policies in the Eveline Township Master Plan to conserve a variety of aesthetically and environmentally sensitive resource lands; including provisions for reasonable incentives to create a network of conservation lands for the benefit of present and future residents;
 - g. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains, and steep slopes) and disturbance of other natural or cultural features;
 - h. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and,
 - i. To conserve scenic views and elements of Eveline Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads and bodies of water.

2. Permitted and Special Land Uses, *See Section 2.2*
 3. Dimensional Restrictions, *See Section 2.3*
 4. Alternative development options, *See Section 2.7.F, 2.7.G, 2.8.L*
- F. Farm-Forest 2 FF-2
1. Purpose. The purpose of the Farm-Forest 2 district is the same as that of the Farm-Forest district except that slightly higher residential densities are permitted under Alternative Development Options. This district is intended to be a transition between the Farm-Forest district and the residential areas of the Township. It is also the intent to recognize that there are areas of the township that have more limited active agricultural potential due to topographic or soil conditions but are within the general core agricultural areas.
 2. Permitted and Special Land Uses, *See Section 2.2*
 3. Dimensional Restrictions, *See Section 2.3*
 4. Alternative development options, *See Section 2.7.F, 2.7.G, 2.8.L*
- G. Village Commercial VC
1. Purpose. The purpose of this Zoning District is to provide for the commercial needs of the residents of the Township in such a manner that any use in this Zoning District must be operated so that it complies with all State statues, and all County and Township Ordinance regulating pollution and/or nuisances. The village areas are intended to be developed with a traditional village mixture of uses and design.
 2. Permitted and Special Land Uses, *See Section 2.2*
 3. Dimensional Restrictions, *See Section 2.3*
- H. Light Industrial/Warehousing LI
1. Purpose. The purpose of this District is to restrict industrial uses to areas well suited for such uses, with sufficient land area to provide for a number of industries, while at the same time insuring adequate acreage to allow for effective buffering from adjacent uses.
 2. Permitted and Special Land Uses, *See Section 2.2*
 3. Dimensional Restrictions, *See Section 2.3*
- I. Commercial Recreation CR
1. Purpose. The purpose of this District is to designate areas for the development of commercial recreation uses with appropriate standards controlling noise, lights, potential hazards, and traffic impact on neighboring uses.

2. Permitted and Special Land Uses, *See Section 2.2*
 3. Dimensional Restrictions, *See Section 2.3*
- J. Government/Utilities G
1. Purpose. The purpose of this District is to designate areas of the township for municipal uses and public and private utilities and to establish reasonable standards for these uses.
 2. Permitted and Special Land Uses, *See Section 2.2*
 3. Dimensional Restrictions, *See Section 2.3*
- K. Village Mixed Use VMU *See Article 3*

SECTION 2.2 TABLE OF LAND USES BY ZONING DISTRICT

Land Uses	Zoning Districts										
	Single Family Residential	Multiple Family	Mobile Home Park	Rural Residential	Farm Forest	Farm Forest 2	Village Commercial	Light Industrial	Commercial Recreation	Government/Utility	
Land Preservation Uses											
Bona Fide Agricultural Uses	/	/	/	/	P	P	/	P	P	P	
Seasonal farm stands for produce and associated products produced on site, See Sections 2.7.A and 2.8.A	/	/	/	SP	P	P	/	/	/	/	
Cottage Industries, See Section 4.30	/	/	/	SP	SP	SP	SP	/	/	/	
Agricultural Related Commercial Enterprises (when associated with a bona fide agricultural operation: farm market, agri-tourism, winery, brewery, distillery, interpretive farm, commercial hunting grounds, agricultural processing, riding stables, and similar uses) See Section 2.8.C	/	/	/	SP	SP	SP	/	/	/	/	
(Non-commercial) Wind Turbines & Anemometers See Section 2.8.D	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Residential Uses											
Single Family Residential	P	P	/	P	P	P	P	/	P	P	
Attached/Multiple Family Housing See Sections 2.7.B and 2.8.E	/	P	/	/	/	/	SP	/	/	/	
Senior Housing See Section 2.8.E	SP	SP	/	SP	SP	SP	SP	/	/	/	
Dependant Care Facility including Assisted Living See Section 2.8.G	/	SP	/	SP	SP	SP	SP	/	/	/	
Residential Care Facilities See Article 10 for complete definitions	See Sections 2.7.C and 2.8.F										
Family day care (1-6 minors <24hrs)	P	P	P	P	P	P	/	/	/	/	
Group day care (7-12 minors<24 hrs)	SP	P	P	P	P	P	/	/	/	/	
Foster family home (1-4 minors/24 hr care)	/	/	/	SP	SP	SP	/	/	/	/	
Foster family group home (5-6 minors/24 hr care)	P	P	P	P	P	P	/	/	/	/	
Adult foster care family home	P	P	P	P	P	P	/	/	/	/	
Home Occupations See Section 4.30	P	/	/	P	P	P	P	/	/	/	
Mobile Home Park See Section 2.7.D	/	/	P	/	/	/	/	/	/	/	

P = Permitted Use SP = Special Land Use / = Not Permitted

Land Uses	Zoning Districts									
	Single Family Residential	Multiple Family	Mobile Home Park	Rural Residential	Farm Forest	Farm Forest 2	Village Commercial	Light Industrial	Commercial Recreation	Government/Utility
Public/Institutional Uses/Utilities	/	/	/	/	/	/	/	/	/	/
Places of Worship <i>See Section 2.7.H</i>	P	P	P	P	P	P	P	P	P	P
Public or Private Elementary, Middle or High Schools, or Child Care Center	P	SP	SP	SP	SP	SP	P	/	/	SP
College, University, Technical or Trade School	/	/	/	/	/	/	SP	/	/	SP
Government Buildings	/	/	/	/	/	/	P	/	/	P
Essential Service Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Museums, Libraries	/	/	/	/	SP	SP	P	/	/	SP
Public Parks and Recreation Facilities	SP	SP	SP	SP	SP	SP	P	SP	P	P
Fraternal Organization	/	/	/	/	/	/	SP	/	SP	SP
Telecommunication Towers <i>See Section 2.8.J</i>	/	/	/	/	SP	SP	/	/	/	/
Commercial Recreation Uses										
Marina	/	/	/	/	/	/	SP	/	SP	/
Golf Course	/	/	/	/	/	/	/	/	SP	/
Country Club/Athletic Club, Convention/Special Event Facility	/	/	/	/	/	/	SP	/	SP	/
Miniature Golf/Water Theme Park/ Driving Range	/	/	/	/	/	/	/	/	SP	/
Campgrounds/Seasonal Trailer Park	/	/	/	/	/	/	/	/	SP	/
Private Airstrip	/	/	/	/	SP	SP	/	/	/	/

P = Permitted Use SP = Special Land Use / = Not Permitted

Section 2.2 Table of Land Uses by Zoning District (cont.)

Land Uses	Zoning Districts									
	Single Family Residential	Multiple Family	Mobile Home Park	Rural Residential	Farm Forest	Farm Forest 2	Village Commercial	Light Industrial	Commercial Recreation	Government/Utility
Commercial Uses										
Bed and Breakfast Establishments	/	/	/	SP	SP	SP	SP	/	/	/
Eating/Drinking Establishments (w/o drive through) <i>See Section 2.7.E</i>	/	/	/	/	/	/	P	/	/	/
Personal Service (barber, beauty, nails, laundry, dry cleaning outlet, etc.) <i>See Section 2.7.E</i>	/	/	/	/	/	/	P	/	/	/
Retail outlet (food, drug, gift shop, apparel, sporting goods, copy shop, workshop (without outdoor storage), etc.) <i>See Section 2.7.E</i>	/	/	/	/	/	/	P	/	/	/
Professional or Business Office (real estate, bank, accounting, attorney, medical, dental or veterinary clinic without outdoor boarding or runs, financial services, etc.) <i>See Section 2.7.E</i>	/	/	/	/	/	/	P	/	/	/
Automotive Service (fueling station, automobile washing facility, oil change, automotive repair, etc.) <i>See Section 2.8.H</i>	/	/	/	/	/	/	SP	/	/	/
Bank, Pharmacy or similar use with Drive Through Service	/	/	/	/	/	/	SP	/	/	/
Hotel/Motel/Motor Lodge	/	/	/	/	/	/	SP	/	/	/
Vehicle Dealership (including new and used automobiles, motorcycles, recreational vehicles, snowmobiles, etc.)	/	/	/	/	/	/	SP	/	/	/
Marine Related Sales/Service	/	/	/	/	/	/	SP	/	/	/
Kennel or Veterinarian with - outdoor boarding or dog runs	/	/	/	/	SP	SP	/	/	/	/
Light Industrial	/	/	/	/	/	/	/	SP	/	/
Wholesale or Warehousing	/	/	/	/	/	/	/	SP	/	/
Mini Warehousing	/	/	/	/	/	/	/	SP	/	/
Other Commercial Uses with Outdoor Storage (Building Tradesperson, Landscaping, Nurseries, Equipment Rental, etc.) <i>See Section 2.8.I</i>	/	/	/	/	/	/	/	SP	/	/

P = Permitted Use SP = Special Land Use / = Not Permitted

Section 2.2 Table of Land Uses by Zoning District (cont.)

Land Uses	Zoning Districts									
	Single Family Residential	Multiple Family	Mobile Home Park	Rural Residential	Farm Forest	Farm Forest 2	Village Commercial	Light Industrial	Commercial Recreation	Government/Utility
Commercial Uses										
Plant Nurseries and Landscaping businesses	/	/	/	SP	SP	SP	/	SP	/	/
Telecommunication Towers see Section 2.8.J	/	/	/	/	SP	SP	/	/	/	/
Wind Turbines & Anemometers See Section 2.8.K	/	/	/	/	SP	SP	/	/	/	/
Sand and Gravel Mining See Section 2.8.N	/	/	/	/	SP	SP	/	/	/	/
Alternative Development Options										
Village Area Mixed Use District	See Article 3									
Country Properties Option See Section 2.7.F	/	/	/	/	P	P	/	/	/	/
Sliding Scale Option See Section 2.7.G	/	/	/	/	P	P	/	/	/	/
Conservation Subdivision See Section 2.8.L	/	/	/	/	SP	SP	/	/	/	/

P = Permitted Use SP = Special Land Use / = Not Permitted

Section 2.2 Table of Land Uses by Zoning District (cont.)

SECTION 2.3 SCHEDULE OF REQUIREMENTS/RESTRICTIONS FOR PRIMARY STRUCTURES
(Amended: June 22, 2018)

Districts	Single Family Residential	Multiple Family	Mobile Home Park	Rural Residential	Farm Forest	Farm Forest 2	Village Commercial	Light Industrial	Commercial Recreation	Government/Utility
A. Minimum Floor Area (Square Feet)	980	700	980	980	800	800	400	n.a.	n.a.	n.a.
B. Minimum Lot Area	20,000 square feet	See Section 2.7.B.2 & 2.8.E.2	10 acres	5 acres See Note F	See Sections 2.7.F, 2.7.G, 2.8.L		No minimum	5 acres	5 acres	1 acre
C. Minimum Lot Width at Building Line (Feet) See Notes A, E & G	100	100	300	300	See Sections 2.7.F, 2.7.G, 2.8.L 500 500		No minimum	200	200	100
D. Minimum Front Setback (Feet) from edge of the road right-of-way/along designated highways See Note B and H	25/35	83/93	100/110	25/35	25/35 See Note C	25/35 See Note C	25/35	25/35	100/110	25/35
E. Minimum Side Setback (Feet) See Note H	10	30	50	25	25	25	10	20	10	10
F. Minimum Rear Setback (Feet) See Note H	25	30	50	25	25	25	25	50	25	25
G. Minimum Shoreline Setback (Feet) See Note H and Note I	50	50	50	50	50	50	50	50	50	50
H. Maximum Building Height (feet) See Note D	35	35	35	35	35	35	35	35	35	35
I. Maximum Lot Coverage	20%	20%	NA	20%	20%	20%	NA	NA	NA	NA
J. Minimum Base Elevation	See Section 4.6.G									

SECTION 2.4 NOTES TO TABLE

- A. For lakefront lots, the minimum lot width at the building line also applies at the lakeside building setback line.
- B. The second setback listed applies to any lot fronting M-66, Peninsula Road, Lakeshore Road, or Ferry Road.
- C. Buildings used primarily for agricultural purposes shall be set back a minimum of 75 feet from the edge of the right of way.
- D. Also see Section 4.28 for exceptions to the height restrictions.
- E. Also see Section 4.8, Depth to Width Ratio.
- F. For Rural Residential lots existing prior to the effective date of this ordinance, December 5, 2006, minimum lot area of 10 acres shall apply.

Section 2.4 Notes to Table

- G. Lot width at the building line and road frontage to be same frontage as stated in table 2.3. For Farm Forest and Farm Forest 2 see Section 2.45.
- H. Also see Section 4.3 for allowed projections into required setbacks (yards).
- I. The minimum shoreline setback may be reduced by the Planning Commission for site developments in the Village Commercial or Village Mixed Use zoning districts, with the approval of a Water Quality Protection Alternative, as provided for in Section 4.6.B.

Section 2.4 Notes

SECTION 2.45 MINIMUM PUBLIC ROAD FRONTAGE REQUIREMENTS FOR FARM FOREST AND FARM FOREST 2

Section 2.45

The minimum public road frontage for all newly created sub lots shall be five hundred (500) feet, except when the building footprint is located not less than two hundred fifty (250) feet from the public road and the building footprint accesses the public road through a common drive or private road servicing or intended to service two (2) or more sub lots or parcels. There shall be no public road frontage requirements for any sub parcel or remaining parcel hereafter created.

SECTION 2.5 ADDITIONAL REFERENCES

Section 2.5

Also see Section 4.2 Non-Duplication of Yard Area, Section 4.3 Projections into Required Yards, Section 4.6 Waterfront Greenbelt, Section 4.16 Dividing of Parcels, Section 4.17 Parcel Access, and Section 4.25 Accessory Structures.

SECTION 2.6 ZONING MAP

Section 2.6

The boundaries of the Zoning Districts are hereby established as shown on the map entitled “Eveline Township Zoning Map” that accompanies this Ordinance. The Zoning Map, along with all notations, references, and other explanatory information, is hereby made as much a part of this Ordinance as if fully described herein. The Zoning Map shall at all times be available for examination and a copy of it shall be kept with the records of the Township Clerk. The Official Zoning Map shall be identified by the signature of the Township Supervisor and Township Clerk and shall be kept on display at the Township Hall together with the most recent effective date of any amendment to the Official Zoning Map.

SECTION 2.7 ADDITIONAL STANDARDS FOR PERMITTED USES

Section 2.7 Additional Standards for Permitted Uses

The following standards apply to specific permitted uses (see Section 2.2 Table of Primary Land Uses by Zoning District). These uses will not be approved by the Planning Commission or the Zoning Administrator unless the nondiscretionary standards listed below are found to be met. Also see Article 8 Site Plan Review.

- A. Seasonal Farm Stand
 - 1. Seasonal farm stands shall sell only locally grown produce, vegetables, cut flowers, potted plants, agricultural products, or raw forest products. Such products may be processed on site.
 - 2. Seasonal farm stands may be a temporary or permanent structure.
 - 3. A minimum of two off street parking spaces shall be provided.

4. The Zoning Administrator may issue a temporary sign permit for a seasonal farm stand for a maximum of three months per calendar year, limited to thirty-two (32) square feet in area.

Attached/Multiple Family Housing

5. Percent of Area Occupied by Structures. Not more than thirty (30) percent of the area of each project in this Zoning District may be occupied by structures.
6. Density. In no case shall the overall density of a multiple family development exceed 8 units per acre. The first family dwelling unit in a multiple-family residential structure shall occupy a lot or parcel comprising not less than one-half (1/2) acre. Each additional multiple-family dwelling unit shall require the following additional lot or parcel area:

Efficiency	2,000 square feet
One bedroom	2,500 square feet
Two bedroom	3,500 square feet
Three bedroom	5,000 square feet
Four bedroom	6,500 square feet
Extra bedrooms over four	1,500 square feet

B. Residential Care Facilities

1. Such facility shall be duly licensed.
2. Such facility shall meet all standards of Section 206(4) of the Michigan Zoning Enabling Act, Public Act 110 of 2006.

C. Mobile Home Park

All standards of the Manufactured Housing General Rules promulgated by the Michigan Manufactured Housing Commission and the Michigan Department of Consumer & Industry Services, Bureau of Construction Codes & Fire Safety, effective August 1, 2003, as amended or replaced, shall apply.

D. Commercial Uses Permitted in the Village Commercial District

1. Off street parking shall be located on the side and rear of the building only.
2. Building footprints shall be limited to a maximum of 20,000 square feet.
3. Driveway and parking areas for adjacent commercial uses shall be shared.

E. Country Properties Option

1. Any legally created master parcel fifty (50) acres or greater in area may be divided into sub-parcels having a minimum of twenty-five (25) acres or more in area.
2. On-Site Sewage Treatment Required: All subparcels and remaining parcels hereafter created not serviced by an off-site sewage treatment facility shall have sufficient suitable area to site both a water well and septic system, as well as an alternative septic drain field site.

3. All other dimensional standards of Section 2.3, Section 4.8, or elsewhere in this Ordinance shall apply to all resulting subparcels and the residual master parcel except as indicated below:
 - i. Maximum Lot Depth to Width Ratio. Newly created subparcels of forty (40) acres or more in area shall have a maximum lot depth to width ratio of 4:1. Newly created subparcels of less than forty (40) acres in area shall have a maximum lot depth to width ratio of 2:1.
 - ii. Exception to Lot Width Requirement. Minimum lot width standards shall not apply.

F. Sliding Scale Option

1. A maximum of twenty (20) percent of a parcel may be divided into subparcels, with a density no more than one subparcel per ten (10) acres of area.
2. On-Site Sewage Treatment Required: All subparcels and remaining parcels hereafter created not serviced by an off-site sewage treatment facility shall have sufficient suitable area to site both a water well and septic system, as well as a second alternative septic drain field site.
3. No minimum subparcel area restriction shall apply. All other dimensional standards of Section 2.3, Section 4.8, or elsewhere in this Ordinance shall apply to all resulting subparcels and the residual master parcel except as indicated below:
 - i. Maximum Lot Depth to Width Ratio. Newly created subparcels of forty (40) acres or more in area shall have a maximum lot depth to width ratio of 4:1. Newly created subparcels of less than forty (40) acres in area shall have a maximum lot depth to width ratio of 2:1.
 - ii. Exception to Lot Width Requirement. Minimum lot width standards shall not apply.

G. Places of Worship.

1. No place of worship shall include a commercial accessory use such as, but not limited to, a restaurant, convenience store, or gas station.
2. Such commercial accessory use may be approved as a separate primary use if all standards of this ordinance are otherwise met.

SECTION 2.8 ADDITIONAL STANDARDS FOR SPECIAL LAND USES

The following standards apply to specific special land uses (see Section 2.2 Table of Primary Land Uses by Zoning District). These uses will not be approved - unless the nondiscretionary standards listed below are found to be met. Also see Article 8 Site Plan Review and Article 7 Special Land Uses.

A. Seasonal Farm Stand

1. Seasonal farm stands shall sell only locally grown produce, vegetables, cut flowers, potted plants, agricultural products, or raw forest products. Such products may be processed on site.
2. Seasonal farm stands may be a temporary or permanent structure.
3. A minimum of two off street parking spaces shall be provided.
4. **The Zoning Administrator may issue a temporary sign permit for a seasonal farm stand for a maximum of three months per calendar year, limited to thirty-two (32) square feet in area.**

B. Bed and Breakfast Establishments:

Bed and breakfast establishments shall be subject to the following regulations:

1. **Bed and Breakfast Establishment as an Accessory Use:** The bed and breakfast establishment shall be clearly incidental to the principal residence.
2. **Principal Residence:** The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
3. **Maximum Number of Units:** No more than three (3) bed and breakfast sleeping rooms shall be established.
4. **Kitchen Facilities:** There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
5. **Building Requirements:** A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
 - a. There shall be at least two (2) exits to the outdoors.
 - b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
 - c. Each sleeping room shall be equipped with a smoke detector.
6. **Parking:** An off-street parking spot shall be provided for bed and breakfast unit, in accordance with this Ordinance. Off-street parking in the front yard is prohibited.
7. The number of bathrooms and septic system size shall meet District Health Department requirements.

C. Agricultural Related Commercial Enterprises

1. The Planning Commission shall make a finding that the use proposed is legitimately related to a proposed or existing bona fide agricultural pursuit on site.
2. The Township shall set the hours of operation to assure that the rural residential character of the area is maintained.
3. No non-local agricultural products may be sold on site.

D. Non-Commercial Wind Turbines & Anemometers

1. This Paragraph, 2.8.D, shall apply only to noncommercial wind turbine generators and anemometer towers. See Paragraph 2.8.K for regulations relating to all other (commercial) wind turbine generators and anemometer towers.
2. The minimum site area for a noncommercial wind turbine generator or an anemometer tower erected prior to a noncommercial wind turbine generator shall be three (3) acres.
3. The maximum noncommercial wind turbine generator tower height or the height of an anemometer tower erected prior to the noncommercial wind turbine shall be the minimum height necessary or reasonable to serve its intended function or 130 feet, whichever is less.
4. Noncommercial wind turbine towers shall be setback from any property line a minimum distance equal to twice the height of the tower.

E. Attached /Multiple Family Housing including Senior Housing

1. Percent of Area Occupied by Structures. Not more than thirty (30) percent of the area of each project in this Zoning District may be occupied by structures.
2. Density. In no case shall the overall density of a multiple family development exceed 8 units per acre. The first family dwelling unit in a multiple-family residential structure shall occupy a lot or parcel comprising not less than one-half (1/2) acre. Each additional multiple-family dwelling unit shall require the following additional lot or parcel area:

Efficiency	2,000 square feet
One bedroom	2,500 square feet
Two bedroom	3,500 square feet
Three bedroom	5,000 square feet
Four bedroom	6,500 square feet
Extra bedrooms over four	1,500 square feet

3. Parking standards for senior housing may be reduced by the Planning Commission depending on the ability level of the residents and the number of bedrooms in the units.

F. Residential Care Facilities

1. Such facility shall be duly licensed by the State of Michigan and
2. Such facility shall meet all standards of Section 206(4) of the Michigan Zoning Enabling Act, Public Act 110 of 2006.
3. Such facility requiring special land use approval must be located on a minimum five (5) acre parcel.

G. Dependant Care Facility including Assisted Living

1. Such facility shall be duly licensed by the State of Michigan.

2. Outdoor activity areas must be fully fenced, walled, or otherwise secured.
3. Such facility shall be limited to caring for no more than fifteen (15) adults.
4. Such facility requiring special land use approval must be located on a minimum five (5) acre parcel.

H. Automotive Service

1. Minimum lot size shall be 20,000 square feet for any automotive service.
2. Minimum driveway spacing from an intersection right-of-way shall be 60 feet from edge of pavement to nearest edge of driveway.
3. For any facility selling gasoline, parking and driveway areas shall be paved with asphalt or concrete and be fully curbed with concrete curbing.
4. Any automotive repair, painting, or similar service shall be conducted inside a building.
5. Vehicle wash facilities shall provide a minimum stacking area for three (3) vehicles and shall be designed to ensure that wash water will not pool or drip off from exiting vehicles onto the adjacent roadway.
6. A minimum fifty (50) foot buffer and a densely planted vegetative strip designed to provide a year round sound buffer shall be provided between any automotive service facility to any adjacent residential use.
7. Sufficient vehicle stacking space for fuel pumps shall be provided.

I. Other Commercial Uses with Outdoor Storage

1. Any outdoor storage shall be fully screened with a combination of opaque fencing and/or plantings acceptable to the Planning Commission.
2. No hazardous materials shall be stored outdoors unless specifically approved by the Township and only if proof is supplied that all appropriate permits have been secured from outside agencies and that the appropriate standards and guidelines from such agencies are followed.
3. Any outdoor lighting shall fully comply with the standards of Section 4.23.

J. Telecommunication Towers

1. Alternate Tower Locations. The applicant must document that no existing tower, alternative tower structure, or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicants proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternative tower structure or

alternative technology can accommodate the applicants proposed antenna may consist of any of the following:

- a. No existing towers or alternative tower structures are located within the geographic area which meets applicants engineering requirements.
 - b. Existing towers or alternative tower structures are not of sufficient height to meet applicants engineering requirements.
 - c. Existing towers or alternative tower structures do not have sufficient structural strength to support applicants proposed antenna and related equipment.
 - d. The applicants proposed antenna would cause electro-magnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicants proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and alternative tower structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as cable micro-cell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.
 - h. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
 - i. As part of the application package, an applicant shall show the location of all towers located within one mile of the Township, as well as all located within the Township.
2. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- a. Towers must be setback a minimum of their above ground height from any lot line, pre-existing public or private road right-of-way, or any pre-existing – structure.
 - b. Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.
3. Security fencing. Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate

anti-climbing device: provided, however, that the Planning Commission may waive such requirements, if it finds that because of the remote location of the site, or other factors, those requirements will not advance the health, safety, or welfare of the neighborhood.

4. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this Ordinance would be better served thereby:
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the perimeter may be sufficient buffer.
5. State Or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulation, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
6. Aesthetics. Towers and antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
7. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

8. Compliance With Codes. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronics Industries Association, as amended from time to time
 9. Interference With Residential Reception. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
 10. Signs. No signs shall be allowed on an antenna or tower.
 11. Spacing
 - a. Towers shall be located no closer than one (1) mile from an existing telecommunication tower, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.
 - b. Residences. A tower shall not be located within two hundred (200) feet or three hundred percent (300%) of the height of the tower; whichever is greater, of the lot line of any single family or multiple family dwelling. Distance for the purpose of this section shall be measured from the base of the tower structure to the closest single family or multiple family dwelling lot line.
 12. Removal Of Abandoned Antennas And Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township, notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower
- K. Wind Turbines & Anemometers Unless Otherwise provided, wind turbine generators and anemometer towers shall comply with all of the following standards:
1. Location. A commercial wind turbine or commercial anemometer shall be permitted after special land use approval only in locations zoned Farm-Forest or Farm-Forest 2 as shown in the table under Section 2.2 and only within the Wind Turbine Overlay areas shown on the Wind Turbine Overlay Map.
 2. Sufficient Wind Resources. The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long-term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special use permit.

3. Minimum Site Area. The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other applicable standards of this ordinance.

4. Setbacks. Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. Each wind turbine generator shall be set back from any adjoining lot line a distance equal to 2,600 feet. The Planning Commission may reduce this setback to no less than 500 feet. Setbacks shall be measured from the outermost point on the base of the tower. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed 50 decibels on the DB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors. In addition, a request for reduction from the required 2,600 foot setback shall be granted only if the Planning Commission finds one or more of the following:
 - i. that such reduction will allow an increased setback from roadways;
 - ii. that property adjacent to the reduced setback is under the same ownership;
 - iii. that the reduced setback otherwise greatly lessens impacts on a residential area or benefits the interests of the Township residents as a whole.
 - b. In addition to the above, a wind turbine generator shall, in all cases, be setback from a public or private road right-of-way or easement a minimum distance equal to six times the height of the wind turbine generator tower as defined in the Ordinance.
 - c. For any newly proposed wind turbine generator or anemometer tower, a "wind access buffer" equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower.

5. Maximum Height.
 - a. The maximum wind turbine generator tower height or the height of an anemometer tower erected prior to the wind turbine generator shall be 230 feet.
 - b. The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower, not to exceed 300 feet, if all of the following conditions are met:

- i. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - ii. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
 - iii. The increased height will not result in increased intensity of lighting on the tower due to FAA requirements.
6. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet. Additional clearance may be required by the Planning Commission if potential safety concerns are identified. Section 2.8.K Wind Turbines & Anemometers (cont.)
7. Maximum Noise Levels. Any proposed wind turbine generator shall produce sound levels that are no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site in question. A noise report shall be submitted with any application for an anemometer tower or wind turbine generator tower. A noise report shall be prepared by a qualified professional and shall include the following, at a minimum,
 - a. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation.
 - b. A description and map of the noise sensitive environment, including any sensitive noise receptors, i.e. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers and other facilities where quiet is important or where noise could be a nuisance within two (2) miles of the proposed facility.
 - c. A survey and report prepared by a qualified engineer that analyzes the pre-existing ambient noise (including seasonal variation) and the affected sensitive receptors located within two (2) miles of the proposed project site. Potential sensitive receptors at relatively less windy or quieter locations than the project shall be emphasized and any problem areas identified;
 - d. A description and map of the cumulative noise impacts with any problem areas identified
 - e. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive receptors as identified above to a level of insignificance.
8. Maximum Vibrations. Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the property on which it is located.

9. Transmission Lines. The on-site electrical transmission lines connecting the wind turbine generator to the public utility electricity distribution system shall be located underground.
10. Interference with Residential Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
11. Landscaping. Each proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
 - a. For any wind turbine generator tower, a landscaping strip shall be provided along the property perimeters adjacent to roadways. Such landscaping shall be designed to obscure year-round the view of the turbine from the roadway. Where deemed appropriate by the Planning Commission, additional landscaping along the property perimeter shall be provided to screen the wind turbine from existing or future residential land uses. Existing natural vegetation may fulfill this requirement in whole or in part upon Planning Commission approval.
 - b. Existing natural land forms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
 - c. To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator or anemometer tower.
12. State or Federal Requirements. Any proposed wind turbine generator or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special use permit is approved.
13. Soil Conditions. A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil boring, and a description of the proposed foundation size, materials, and depth. Such foundation shall be installed below plow depth to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.
14. Aesthetics and Lighting. Any proposed wind turbine generator shall meet the following requirements:
 - a. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- b. Each wind turbine generator, including all accessory structures, or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium grey shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
- c. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen;
 - i. Shall be the lowest intensity allowable under FAA regulations.
 - ii. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA.
 - iii. May be a red top light that does not pulsate or blink.
 - iv. All tower lighting required by the FAA shall be shielded to the extent possible and acceptable to the FAA to reduce glare and visibility from the ground.
 - v. Where acceptable to the FAA, the Township will approve white lights over red lights, and steady lights over strobed or intermittent lights.
 - vi. Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
 - vii. Each wind turbine generator or anemometer tower shall be monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
 - viii. Each wind turbine generator tower shall be designed to aesthetically complement the color and design of any existing wind turbine generator tower within a one-mile radius.
 - ix. The Planning Commission may require design changes in order to lessen the visual clutter associated with the siting of multiple wind turbines with non-complementary, inconsistent design within sight of each other.
- 15. Sign. A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the wind turbine generator or anemometer tower erected prior to a wind turbine generator. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours, on weekends or

holidays. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.

16. Shadow Flicker. The applicant shall provide a shadow flicker model for any proposed wind turbine generator tower. The model shall:
 - a. Map and describe within a one-mile radius of the proposed project site the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speeds;
 - b. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations;
 - c. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems, including, but not limited to, a change in siting of the facility, a change in the operation of the facility, or grading or landscaping mitigation measures.
 - d. The facility shall be designed such that shadow flicker will not fall on, or in, any existing dwelling. Shadow flicker expected to fall on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:
 - i. The flicker will not exceed 30 hours per year; and
 - ii. The flicker will fall more than 100 feet from an existing residence; or
 - iii. The traffic volumes are less than 500 vehicles per day on the roadway.
17. Hazard Planning. An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
 - a. Certification that the electrical wiring between turbines, and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and location of vegetation below the turbine and on the site.
 - c. The following shall be submitted with the application for a special use permit for a wind turbine generator;
 - i. A listing of any hazardous fluids that may be used on site shall be provided.
 - ii. Certification that the turbine has been designed to contain any hazardous fluids shall be provided. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

iii. A Hazardous Materials Waste Plan shall be provided.

18. Removal of Abandoned or Unsafe Wind Turbine Generators or Anemometer Towers. Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Any tower found to be unsafe or not in compliance with the special land use conditions related to noise or shadow flicker placed upon it by the Planning Commission, shall be found to be in violation of the special land use permit. The owner of any wind turbine generator tower or anemometer tower that is abandoned or in violation of the special land use permit shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment or violation. In addition to removing the wind turbine generator or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the ninety (90) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. The Planning Commission shall require the applicant to file a bond equal to the reasonable cost of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.
19. New Technology. These regulations pertaining to wind turbine generators and anemometer towers are intended to respond to equipment available at the time of adoption. Eveline Township recognizes that this is an emerging technology and that new means of collecting wind energy, including but not limited to vertical axis wind turbine generators, are under development. Eveline Township, therefore, reserves the right to withhold approval on any wind turbine generator or anemometer tower utilizing technology and equipment not widely in use as of _____ and not addressed in this ordinance, pending appropriate study and, if necessary, alteration of these regulations.

L. Conservation Subdivision

1. Eligibility. Any legally created Master Parcel is eligible for consideration for Conservation Subdivision approval.
2. Maximum Allowable Sublot Density:
 - a. Farm Forest 2 District: One (1) sublot for every eight (8) full acres of master parcel.
 - b. Farm Forest District: One (1) sublot for every ten (10) full acres of master parcel.
3. Maximum Area Allowed To Be Divided into Sublots: Forty (40) percent of the Master Parcel total acreage.
4. In order to maintain to the greatest extent possible the largest amount of primary conservation areas on the remaining parcel, sublots should be sited in those areas of the

master parcel with the lowest conservation priority as indicated on the following table (as defined and mapped in the Eveline Township Master Plan or within this ordinance):

Lowest Conservation Priority #1	Non-conservation areas.
2	Somewhat poorly drained soils (in areas served by municipal sewers)
3	Prime Timberland soils.
4	Moderate Slopes.
5	Prime and Important Farmlands.
6	Steep Slope Areas.
7	Somewhat poorly drained soils (in areas not served by sewers.)
Highest Conservation Priority #8	Primary Conservation Areas

5. In addition, Sublots should be sited in such a manner that:
 - a. The remaining parcels will include locally significant features of the property, such as hedgerows or scenic view sheds as seen from public roads and waters. When it is necessary for building footprints to be located in open fields as viewed from public roads, the use of "foreground meadows" and "single loaded" roads shall be employed.
 - b. The Remaining Parcel lands will not be fragmented into small parcels located in various parts of the development (except for village greens and parks which may be part of the development). Long narrow strips of Primary and Secondary Conservation Areas shall be avoided except when necessary to preserve Primary Conservation Areas.
 - c. Other activities (e.g. farming and forestry) can be carried out unimpeded by residential development.
 - d. As much as practical, Sublots shall be sited so that the conservation lands will interconnect with conservation lands on adjacent parcels creating a community-wide network of conservation lands.
6. A minimum of Ten (10) percent of the remaining parcel shall be owned by a homeowners association made up of all of the sublots created on the Master Parcel. The remainder shall remain as a single parcel.
7. The remaining parcel(s) may be used for any purpose allowed under the underlying zoning designation. The remaining parcels(s) shall be covered by a conservation easement prohibiting future division and prohibiting the construction of more than one (1) dwelling on any one parcel. This easement shall be held jointly by both the Township and by either a Home Owners Association made up of all owners of Sublots created from the Master parcel or a recognized local land trust, or both. Where this conservation

easement is held by a recognized land trust, two (2) additional Sublots may be created on the Master Parcel, with the proceeds from their sale to be used solely to fund an endowment for the perpetual monitoring and enforcement of the easement.

- M. Sand and Gravel Mining. This applies only to sand and gravel mining operations as defined in Article 10. See also *Sections 4.15 Removal of Sand, Gravel or Other Material and 4.11 Grading Permits*
1. Removal will not cause stagnant water to collect and shall otherwise provide for proper drainage during and after active removal of material.
 2. No material shall be taken from any part of a lot within two hundred (200) feet from the property line or any right-of-way for public travel or from a waterway.
 3. A reclamation plan shall be submitted detailing how the land will be restored upon the completion of material removal and demonstrating that the land will be stabilized such that the expected end land use may be achieved. Such end land use to be a use permitted in the zoning district.
 4. All requirements of Part 91 Soil Erosion and Sedimentation Control of Public Act 451 of 1994 must be met.
 5. Such removal shall not cause traffic congestion because of trucks or other vehicles used to transport the materials to be removed.
 6. No machinery shall be erected or maintained within fifty (50) feet of any property line or street right-of-way line.
 7. The Township may require placement of a suitable agreement or bond ensuring compliance with any conditions of the permit.

ARTICLE 3

VILLAGE AREA MIXED USE DISTRICT “V-MU”

SECTION 3.1 PURPOSE

The requirements of this Article provide the standards for the submission, design, review and approval of mixed use development projects located within the areas zoned V-MU. The application of these mixed use development regulations are intended to:

- A. Provide for the sensitive development or redevelopment of designated parcels in the unincorporated Advance or Ironton Village areas;
- B. Encourage public access to Lake Charlevoix and/or other rivers and tributaries, where possible;
- C. Encourage innovation in land use planning;
- D. Provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of Eveline Township;
- E. Bring about a greater compatibility of design and use between neighboring properties.

SECTION 3.2 PROCEDURE FOR REVIEW AND APPROVAL

- A. Preliminary Mixed Use Development Proposal. Preliminary mixed use development submittal shall be processed in accordance with the following procedures.
 - 1. Submittal of Application. The applicant shall provide ten (10) copies of the preliminary mixed use development submittal to the Zoning Administrator to check for completeness at least thirty (30) days prior to the meeting at which the submittal is to be presented. The application shall not be placed on the Planning Commission agenda for consideration until the Zoning Administrator determines that all required information has been provided. The submittal shall be accompanied by a signed application; the application shall, at a minimum, include the applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant, signature of the applicant and the property owner or of someone acting upon written consent of the owner.
 - 2. Preliminary Development Plan. The Preliminary Village Mixed Use proposal submittal must include a Preliminary General Development Plan consisting of:
 - a. General proposed use areas delineated and proposed use(s) identified,
 - b. Areas to be retained as open space, including whether open space is proposed to include any active/passive recreation areas and description,
 - c. Delineation of any wetlands (as defined by the State of Michigan), including both regulated and unregulated, and areas within the 100 year floodplain,
 - d. Location and description of any existing vegetation and description,

- e. Any observed significant or unique views, from or onto the parcel,
 - f. Existing buildings and other improvements on the site,
 - g. Existing site topography at no greater than two (2) foot intervals,
 - h. Proposed building footprints, circulation and parking areas,
 - i. Preliminary typical building façade design.
3. Required Tabulations. The Preliminary Development Plan shall also include the following tabulations:
- a. Total site acreage and percent of total project in various uses, such as single-family residential, multiple-family residential, commercial, public areas, roadways and undeveloped open space.
 - b. Total site density of single-family and multiple-family dwellings.
 - c. Acreage committed to and numbers of single-family dwellings, multiple family dwellings, commercial square footage and area committed to other uses for each proposed development phase.
4. Draft Development Agreement. A draft Development Agreement shall be a part of the Preliminary Development Plan and must include the following:
- a. Legal description of the total site.
 - b. Statement of developer's interest in the land proposed for development.
 - c. Statement regarding the manner in which the open space(s) is to be maintained.
 - d. Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the mixed use development, including land areas, units, and recreational facilities.
 - e. Statement explaining any restrictions to be imposed upon the uses of the land and structures through condominium or subdivision bylaws, deed restrictions, easements, or other means.
 - f. Schedule indicating the time within which applications for final approval or each phase of the mixed use development are intended to be filed with the Township.
 - g. Statement regarding any proposed conveyances of land.
5. Standards for Approval of Preliminary Village Mixed Use Plan. All Preliminary mixed use development plans shall meet the following standards:
- a. The design standards of Section 3.3 shall be met.

- b. All application materials and information required under Section 3.2.A, Paragraphs 1 through 4 shall be provided.
 - c. The proposal shall be in conformance with the purpose of this Article as detailed in Section 3.1.
6. Planning Commission Action on Preliminary Village Mixed Use Plan.
- a. Planning Commission accepts the submittal and, at its discretion, refers it to a subcommittee of the Planning Commission, the Township Attorney, Engineer, Planner or appropriate agencies for review and recommendation.
 - b. The Planning Commission sets a public hearing to receive citizen input on the proposed mixed use development. Notice of such public hearing shall be the same as for a special use permit, as detailed in Subsection 7.2.D.
 - c. Following the public hearing, the Planning Commission reviews the submittal against the standards of subparagraph 3.2.A.5, above and recommends alterations to the uses/layout/open space area location and configuration, if necessary.
 - d. Following the public hearing, and following any alterations to the preliminary mixed use development plan based on Planning Commission input, the Planning Commission shall take action on the proposal within a reasonable period of time. The Planning Commission shall adopt a findings of fact and shall recommend to the Township Board approval or denial of the application, or approval with specific conditions based on the findings of fact and in compliance with Section 5.6.
7. Township Board Action on Preliminary Village Mixed Use Plan. The Township Board shall grant Preliminary mixed use development plan approval if all of the standards for approval under subparagraph 3.2.A.5, above are met. In rendering its decision, the Township Board may adopt as its own the findings of fact made by the Planning Commission, may modify the findings of fact made by the Planning Commission based on the evidence presented to the Planning Commission, may remand the matter to the Planning Commission for consideration of additional evidence the Township Board considers relevant and further recommendations by the Planning Commission, or may itself gather any additional evidence it considers relevant and make its own findings of fact concerning whether the standards for granting preliminary mixed use development plan approval contained in subparagraph 3.2.A.5, above have been met.

8. Effect of Preliminary Village Mixed Use Plan Approval.

- a. Preliminary mixed use development plan approval will allow the applicant to submit a final mixed use development plan. No building or land use permits shall be issued until a final mixed use development plan is approved.
- b. The approval of a preliminary mixed use development plan shall not constitute or require a rezoning if the property is not zoned V-MU. Submittal of a final mixed use development plan shall not be accepted until such time as the property is zoned V-MU.
- c. A final mixed use development submittal for some portion of the development must be submitted within twenty-four (24) months following approval of the Preliminary mixed use development plan. If no Final mixed use development plan submittal is received within that period, approval of the Preliminary mixed use development is automatically rescinded and a new application and Preliminary Village mixed use Development Plan must be submitted prior to approval of a Final Village mixed use development Plan. However, the Township Board, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two (2) such extensions may be granted.

B. Submittal of the Final Village Mixed Use Plan

The final mixed use development submittal for all or a portion of the total mixed use development is reviewed by the Planning Commission to assure substantial compliance with the preliminary mixed use development submittal.

1. Required Information. The developer must provide the following minimum information at the time of filing of a final mixed use development submittal for all or a portion (phase) of a mixed use development.
 - a. Site plan per the requirements of Section 8.3.
 - b. Detailed landscaping plan, prepared by a Landscape Architect registered in the State of Michigan.
 - c. Detailed utilities and storm drainage plan prepared by an engineer licensed in the State of Michigan.
 - d. Tabulations showing: total phase acreage and percent of total mixed use development.
 - e. Legal description of the total phase, each use area, and dedicated open space.
 - f. Copies of covenants, easements, condominium documents and other restrictions to be imposed.
 - g. Proposed dates of construction start and completion of phase.
 - h. Proposed building façade designs.

2. Modifications to Approved Preliminary Village Mixed Use Development. The final mixed use development submittal shall not:
 - a. Increase the proposed gross density of use in any portion of the Village Mixed Use development without starting a new application.
 - b. Involve a reduction of the area set aside for common open space.
3. Approval of Final Village Mixed Use Development: The final Village Mixed Use development submittal shall be processed as a site plan in accordance with Article 8, except that the Township Board shall have final approval authority following a recommendation by the Planning Commission. If all, or any portion, of the Village Mixed Use development is proposed to be developed as a condominium or subdivision, all additional applicable requirements shall apply.
4. Standards of Approval: Prior to final approval of the Village Mixed Use development plan, the Township Board and the Planning Commission shall determine that:
 - a. Provisions have been made to provide for financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured.
 - b. The cost of installing all streets and necessary utilities has been assured.
 - c. The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood area. Any substantial changes or amendments requested shall terminate the overall mixed use development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal including review by the Planning Commission.

SECTION 3.3 VILLAGE AREA MIXED USE DEVELOPMENT DESIGN STANDARDS

A Village Mixed Use development project located within the unincorporated Village areas of Advance or Ironton identified in the Township Master Plan and shown on the Future Land Use Map as the Village plan district shall be consistent with the following general standards for the use of land, density of use, the type, bulk, design and location of structures, common space and public facility requirements, and project phasing. The Planning Commission shall have the authority to waive or alter these standards upon making a finding that the alteration is necessary to achieve the stated goals of this Article or due to the location of existing structures.

- A. Eligibility. Only parcels zoned V-MU are eligible for approval under Article 3.
- B. Permitted Uses.
 1. Any use permitted by right in the Village Commercial zone.
 2. Any use permitted by right or special approval in the Single Family Residential zone.
 3. Any multiple-family or attached residential use.

C. Residential Density. Densities of residential use shall not exceed the following:

Maximum permitted base density shall be equal to the gross site area divided by:

1. 10,890 square feet where public or privately owned community water and sewer is available or proposed to be provided.
2. 20,000 square feet where no public or community water and sewer is proposed.

D. Height Restrictions. For all buildings within a Village Mixed Use development, building height shall be limited to 35 feet. The height shall be measured from the average finished lot grade to the highest point of the roof. The average finished grade shall not be increased from the pre-existing grade by means of movement of fill around the site or importation of fill from offsite.

E. Residential Building Size Restrictions. No residential building within a Village Mixed Use development may exceed 100 feet in any dimension. No residential building within a Village Mixed Use development may exceed 6 residential dwelling units per building.

F. Waterfront Viewshed Protection. For any Village Mixed Use development located on Lake Charlevoix, a water view visible from the exterior public roadway shall be provided. The Planning Commission shall require that such viewshed be a horizontal width equal to up to 15 percent of the developed water frontage. Viewsheds shall be free of buildings, fences, walls, and planted landscape screening, but may include driveways or low lying landscaping.

G. Non-residential Uses.

1. Non-residential uses (office, commercial, public open space) shall be integrated in a manner that is consistent with a traditional, or village style development. This development style is characterized by
 - a. Mixed usage of buildings and integration of residential and non-residential uses,
 - b. No or minimal building setbacks from roadways within the interior of the development,
 - c. Small building footprints or first floor tenant space (10,000-20,000 square feet),
 - d. On-street parking and limited parking in surface parking lots,
 - e. Traditional building architecture styles and materials,
 - f. Street level windows, doorways, and displays oriented to pedestrians.
2. A maximum of 15% of the gross land area may be permitted for use other than residential or open space. Total permitted residential density will not be required to be lowered in exchange for non-residential uses; however, the required amount of open space may not be lowered.

Examples of Calculation of Allowed Commercial Land Coverage

Gross Parcel Size	Required Minimum Open Space (See 3.3.L)	Maximum Permitted Residential Units (See 3.3.C)	Additional Permitted Commercial Land Cover (See 3.3.G)
15 acres	5.25 acres	60 units (with central water/sewer)	2.25 acres (5.25 acres of open space must be maintained, 60 permitted residential units not affected)
20 acres	7 acres	80 units (with central water/sewer)	3 acres (7 acres of open space must be maintained, 80 permitted residential units not affected)
30 acres	10.5 acres	120 units (with central water/sewer)	4.5 acres (10.5 acres of open space must be maintained, 120 permitted residential units not affected)

H. Setbacks.

1. No minimum interior setback requirements shall apply. Interior setbacks shall be dictated by design. Perimeter setbacks along the highway shall be 75 feet from the edge of the right-of-way.
2. A minimum fifty (50) foot building setback from all water bodies shall be observed. Setbacks shall be measured from the all time high water level (582.35 feet International Great Lakes Datum 1985) or, in the case of a stream or river, the observed edge of the shoreline.
3. Green Belt zoning requirements of Section 4.6 shall apply, with exceptions as detailed under 3.3.O.5, below.
4. Structures within a Village Mixed Use Development shall observe a minimum twenty-five (25) foot rear and side setback from exterior adjoining property lines.

I. Vehicular and Non-Vehicular Circulation. The internal circulation system shall provide equivalent systems for vehicular and non-vehicular circulation. Specifically, pedestrian and bicyclists shall be provided a safe and pleasant means of circulation throughout the Village Mixed Use development project. Further, the internal circulation system, both vehicular and non-vehicular shall provide for logical connections to adjacent neighborhoods and developments.

J. Off-Street Parking and Loading. Parking and loading spaces shall be provided in accordance with Sections 4.21 and 4.22 with the following exceptions:

1. Relief in the number of required parking spaces may be permitted at the Planning Commission’s discretion where parking will be shared by more than one use; and
2. Required parking may be provided as on-street parking, except for residential uses; and
3. All parking shall be interior to the project; and
4. Parking for multiple family residential uses may be reduced to 1.8 spaces per unit at the Planning Commission’s discretion.

- K. Outdoor Lighting. All standards of Section 4.23 shall apply to a Village Mixed Use Development.
- L. Common Open Space.
1. A minimum of 35 percent of the parcel shall be designated and maintained as common open space which is readily accessible and available to all of the residents of the Village Mixed Use development project.
 2. Open space shall be fully accessible for pedestrians.
 3. Open space provided shall, in part, provide access to Lake Charlevoix and/or to the adjacent rivers or tributaries where the property borders or contains surface water. Such water access shall be active and may include a beach, marina, fishing access, or waterfront walkway and viewing area or other similar uses as approved by the Planning Commission.
 4. Marinas and Boat Parking:
 - a. Marinas located on Lake Charlevoix may not be used toward the calculation of minimum required open space.
 - b. Except for commercial marinas, boat parking spaces shall be limited to use by residents of the development.
 - c. Except for commercial marinas, total number of boat parking spaces shall not exceed one per residential unit and additional guest boat parking spaces as approved by the Planning Commission.
 - d. Up to 25% of the approved boat parking spaces in a private marina may be convertible for commercial use with specific advance approval by the Planning Commercial.
 - e. Commercial marinas may be permitted as a non-residential use under the requirements of Section 3.3.G. The number of slips permitted in a commercial marina located in Lake Charlevoix shall be limited only by the permitting agencies. Inland commercial marinas are limited by the area restrictions of 5.e, below.
 - f. Approved commercial boat parking spaces within a marina may be used for temporary dwellings, provided that it is for one-time annual use, not exceeding thirty (30) days and providing that adequate means of sanitary disposal is available.
 5. Calculating Open Space: Open space used toward the minimum 35% required shall be configured such that any one dimension shall generally not be in excess of 4 times the length of the opposite dimension. Open space used toward the minimum 35% shall be generally contiguous, usable and accessible for residents of the development. Minimal open areas in the spacings between structures shall not be considered usable open space for purposes of meeting the 35% minimum.

Article 3 Village Area Mixed Use District
Section 3.3 VMU Development Design Standards (cont.)

- a. Required waterfront greenbelts may be counted toward the minimum required open space even if the configuration is such that one dimension is in excess of 4 times the length of the opposite dimension.
 - b. Required setbacks from exterior roadways shall not be calculated toward the required minimum 35% open space area.
 - c. Open space used toward the minimum 35% required shall not include any parking areas or drive areas, or retail or residential buildings.
 - d. Not more than 25% of the area used toward the minimum 35% required open space shall be floodplains or floodways as identified by the Federal Emergency Management Agency or wetlands as defined by Part 303 of Public Act 451 of 1994, the Michigan Natural Resources and Environmental Protection Act.
 - e. Open space used toward the minimum 35% required may include an inland marina; however, an inland marina shall not make up more than 50% of the required open space. All upland land and inland water area committed to the use shall be counted toward this calculation excepting that referenced in L.5.c.
 - f. Active outdoor recreational uses, including such uses as tennis courts, swimming beach, playground, and similar uses shall not comprise more than 50% of the required open space. Indoor recreation uses shall not be included as being any portion of the required open space.
- M. Other Site Improvements. Project lighting, signs, exterior building materials and design landscaping and other features shall be designed and constructed with the objective of creating an identifiable design character that is consistent with the overall character of the community, adjacent existing and planned land uses, and the property's natural features.
- N. Project Phasing. Each development phase shall be designed to stand-alone. Each phase shall be designed to provide at a minimum a proportional share of both the residential and the common open space required for the entire project.
- O. Shoreline Vegetation. Native naturalized landscape areas are encouraged along shorelines within the Village Mixed Use development to limit shoreline erosion, reduce water pollution, stabilize banks, provide for low maintenance, provide wildlife habitat, deter nuisance waterfowl, and to cool water temperature.
- 1. Shoreline areas shall be landscaped with native, non-invasive landscaping species.
 - 2. Invasive and exotic species to be avoided include, but are not limited to, purple loosestrife, reed canary grass, crown vetch, white and yellow sweetclover, Russian olive, Autumn Olive, and Tartarian honeysuckle.
 - 3. A combination of grasses, shrubs, and trees shall be introduced in a naturalized planting pattern where native shoreline vegetation does not exist.
 - 4. Where existing native shoreline vegetation exists, it shall be maintained in a minimum 50-foot strip along the all time high water level (582.35 feet International Great Lakes Datum 1985).

5. Green Belt zoning standards of Section 4.6 shall apply except that the Planning Commission may, where conditions dictate, allow additional clearing of vegetation for beach areas used toward the minimum required open space area. Such cleared beach areas shall be limited to 25% of the total lake frontage.
- P. Utilities. All utilities, including, but not limited to, electric, gas, telephone and cable, shall be placed underground.

SECTION 3.4 APPEALS.

Decisions or conditions related to a Village Mixed Use development submittal shall be final and may not be appealed to the Zoning Board of Appeals.

SECTION 3.5 ALTERNATIVE DEVELOPMENT OPTION.

Land zoned Village Mixed Use located within the unincorporated Ironton or Advance Village areas and planned for Village use under the Eveline Township Master Plan, may be developed, at the developer/property owner's discretion, under the standards and provisions of the Single Family Residential District, except that the minimum required lot area shall be not less than 40,000 square feet.

SECTION 3.6 REQUIRED FEES.

See Section 5.3.

Sec. 3.3 (cont.)

Section 3.4

Section 3.5

Section 3.6

ARTICLE 4

GENERAL PROVISIONS

SECTION 4.1 ESSENTIAL SERVICES

- A. The erection, construction, alteration, maintenance, and operation of essential services by utilities or municipal departments or commissions shall be permitted as authorized or regulated by any laws and the Ordinances of the Township of Eveline in any use district.
- B. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public or private utilities.

SECTION 4.2 NON-DUPLICATION OF YARD AREA

In determining lot and yard requirements, no area shall be counted as accessory to more than one 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.

SECTION 4.3 PROJECTIONS INTO REQUIRED YARDS

- A. Eaves and gutters may extend into a required yard area. Provided, that such structure shall not project more than twenty-four (24) inches into any minimum required yard area.
- B. Unless specifically restricted elsewhere in this ordinance, the following structures may extend into a required yard area:
 1. Grade level patios and steps;
 2. Flagpoles;
 3. Hydrants;
 4. Clotheslines;
 5. Arbors, trellis, trees, plants, and shrubs;
 6. Playground equipment;
 7. Outdoor cooking equipment;
 8. Private driveways, sidewalks, and pathways.
- C. See also Section 4.5 Fences, 4.6 Waterfront Greenbelt, 4.12 Farm Buildings and Structures, 4.13 Signs, 4.21 Vehicular Parking, and 4.25 Accessory Structures.

Sec. 4.1 Essential Services

Section 4.2

Section 4.3 Projections into Required Yards

SECTION 4.4 DWELLINGS PER LOT

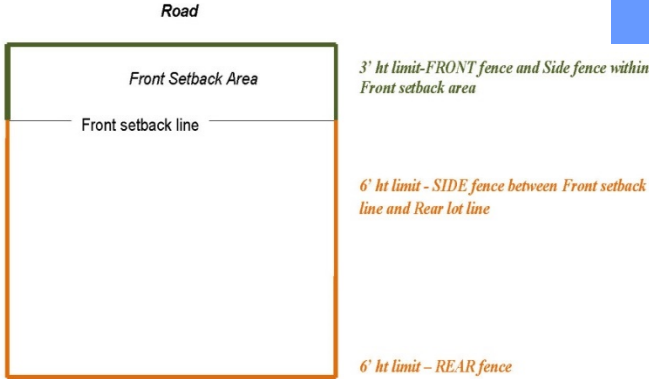
- A. No more than One (1) dwelling shall be erected on any lot or parcel of land except as permitted under Section 4.4.B, below, or as otherwise specifically permitted in this Ordinance.
- B. In the Farm-Forest and Farm-Forest 2 zoning districts, an accessory dwelling shall be permitted upon application to the Zoning Administrator subject to the following standards:
 - 1. No additional driveway cut shall be permitted.
 - 2. The accessory dwelling shall meet all required setbacks applicable for a primary dwelling in the underlying zoning district.
 - 3. The dwellings must be located on a minimum 10 acre parcel.

SECTION 4.5 FENCES

All fences shall be erected and located to comply with the following regulations:

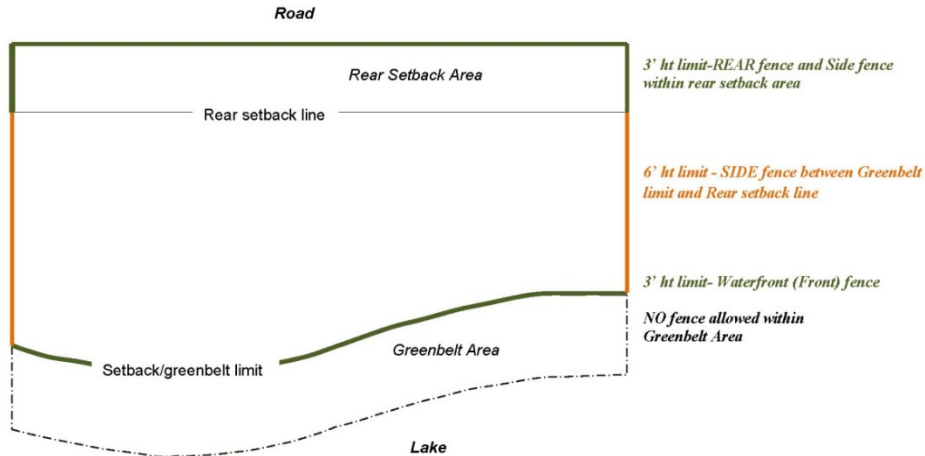
- A. The fence shall not obscure traffic visibility.
- B. The fence must be located within the lot lines.
- C. The fence must be maintained by owner.
- D. For a fence with only one finished side, the finished side shall face the road or adjacent property.
- E. Height Limits

- 1. Interior, non waterfront properties:
 Front yard: 3 feet
 Side yard: 3 feet within front setback, 6 feet from the front setback to the rear fence;
 Rear yard: 6 feet



- 2. For waterfront properties:
 Front (*waterfront*) yard: 3 feet*
 Side yard: 6 feet between the front and rear setbacks*; 3 feet within the rear (road) setback.
 Rear (*road*) yard: 3 feet

*No fence shall be located in or extend into the Waterfront Greenbelt (see Section 4.6)



**SECTION 4.6 WATERFRONT GREENBELT AND WATER QUALITY PROTECTION
ALTERNATIVES Amended (12/23/2017)**

Any land abutting on lakes, rivers, or streams shall be subject to waterfront greenbelt standards, unless located in either the Village Commercial Zoning District or the Village Mixed Use District AND approved under the Water Quality Protection alternatives below [Section 4.6.B].

A. WATERFRONT GREENBELT

1. The waterfront green belt is the area within 50 feet of the shoreline (for Lake Charlevoix, the all time high water level of 582.35 feet International Great Lakes Datum of 1985). See definitions for “waterfront green belt” and “shoreline” in Article 10.
2. Unless allowed under 3 below, no structure including fences shall be located within the waterfront greenbelt area.
3. Within the waterfront greenbelt a maximum total area of 200 square feet of structure, decks and other surfaces shall be permitted, and such features shall be pervious to the greatest extent possible. Walkways not exceeding four (4) feet in width and total length of 75 feet shall be permitted within the waterfront greenbelt area, in addition to the aforementioned 200sf, upon receipt of a permit. Decks and walkways shall be no higher than twenty-four (24) inches off of the ground and shall include no additional structures except built-in seating. Built-in seating shall be calculated as being included in the 200 square foot allowed deck area.
4. All vegetation within a waterfront greenbelt area shall remain in an undisturbed, natural state unless a Waterfront Greenbelt Landscape Plan (WGLP) is submitted to and approved by the Zoning Administrator or Planning Commission pursuant to Subsection 5 below.
 - a. Any disturbance within the waterfront greenbelt unless allowed below shall be restored by the owner or his agents.
 - b. Trees may not be removed within the waterfront greenbelt area unless specifically allowed by a permit. Dead trees may be removed but the stumps shall not be removed. A tree considered a hazard that meets the criteria of posing a risk to

person or property can be removed only after the zoning administrator or other designated township representative has examined the tree and approved its removal. The stumps shall not be removed after the hazard tree has been cut.

- c. Natural ground cover shall be preserved to the fullest extent feasible and where removed it shall be replaced with vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
 - i. Where shoreline areas are restored, they shall be landscaped with native or non-invasive landscaping species.
 - ii. Invasive and exotic species to be avoided include, but are not limited to, purple loosestrife, reed canary grass, Phragmites, crown vetch, white and yellow sweet clover, Russian Olive, Autumn Olive, and Tartarian honeysuckle.
 - iii. A combination of grasses, shrubs, and trees shall be introduced where native shoreline vegetation does not exist.
 - iv. Ground cover and shrub plantings in the view corridor shall be spaced to provide complete ground cover in two years.
 - v. A manicured lawn is not allowed within the waterfront greenbelt.
 - vi. Significant trees (12 inches and larger in diameter measured at breast height) shall be preserved.
- d. Subject to the additional limitations provided herein, natural vegetation cover, (native trees, shrubs and herbaceous plants) shall be maintained on at least seventy-five percent (75%) of the lake or stream frontage within the entire waterfront greenbelt area. The trees on the remaining twenty-five percent (25%) may be cleared for a single view corridor, or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty-five percent (25%) of the frontage. Any existing cleared areas of the waterfront shall be calculated and subtracted from the maximum of 25% allowed. Any cleared areas on a lot shall be separated by a minimum of 50 feet and shall be located no less than 25 feet from the side lot line. For larger parcels with water frontage of more than 100 feet any cleared areas shall be limited to 25 feet for each 100 feet of water frontage.
- e. Prior to any alteration or removal of trees, shrubs, ground cover or other native vegetation, the items to be altered or removed shall be marked by the applicant and approved by the Zoning Administrator as being in compliance with the landscaping component of the WGLP prior to work commencing to ensure impacts to the shoreline resources are minimized.
- f. Trees and shrubs marked for removal shall be cut flush with the ground and stumps shall not be removed.
- g. Tree-topping and clear cutting within the waterfront greenbelt area is prohibited.

- h. No alterations shall be made to the area between the All Time High
a. Water Mark and the water's edge.
 - i. No supplemental plant nutrients shall be applied in the waterfront greenbelt area.
 - j. No grading, excavation, filling or stump removal shall be allowed in the waterfront greenbelt area, unless necessary for erosion control and with appropriate state and county permits.
 - k. A view corridor may be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structural features intended to provide a water view. Prior to cutting or removal of these trees and vegetation, these changes shall be marked by the applicant and approved by the Zoning Administrator as being in compliance with the WGLP.
 - l. Pruning and removal activities shall be inspected at the discretion of the Zoning Administrator.
 - m. The remaining trees and shrubs may be trimmed and pruned to create filtered views to the water from the property.
5. Waterfront Greenbelt Landscaping Plan.
- a. No person shall make any alterations within a waterfront greenbelt area on any waterfront lot without first obtaining approval for those alterations from the Zoning Administrator or Planning Commission as provided in this subsection.
 - b. To obtain the approval required by subsection 5.a above the owner of the waterfront lot shall submit to the Zoning Administrator a WGLP, which shall include all of the following information:
 - i. Two (2) complete sets of plans for Zoning Administrator review or seven (7) complete sets for Planning Commission review.
 - ii. Show placement of any buildings or other structures, delineates a perimeter line encompassing all proposed activities, identifies the location and extent of the shoreline waterfront greenbelt boundary, and proposed land changes including plantings.
 - ii. All shoreline types and coastal resources, including but not limited to, bluff ridges, wetland boundaries, ordinary high water mark, existing vegetation inventory (trees, shrubs and ground cover, including a written list of species trees, shrubs and ground cover, with notes as to the locations of native and non-native species) shall be identified and submitted with the WGLP. All trees 10" and larger in diameter at 4.5 feet above ground shall be shown on a map, and will include the species, diameter and condition.

- iii. A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks.
 - iv. Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization measures as submitted to the Soil Erosion Control Enforcement Officer.
 - v. Photographs of existing waterfront greenbelt and detailed photographs of the proposed waterfront greenbelt alteration area that show all plants (trees and shrubs) marked for removal. After the project is completed the applicant shall submit detailed photographs of the waterfront greenbelt alteration area.
 - vi. Detailed drawings delineating the waterfront greenbelt alteration area before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas.
 - vii. Detailed drawings that show the location of existing structures on the property, as well as dwellings on neighboring parcels.
 - viii. The WGLP shall identify the location of property, including a full tax identification number, location of the nearest public road intersection, the high water mark, a north arrow and map scale.
 - ix. The WGLP shall include the name, address, professional status, license number (if applicable), and phone number of the person who prepared the plan along with the date of the original drawing and the date of the most recent revision.
- c. The Zoning Administrator or a designated outside reviewer shall review the WGLP to determine that all the required information has been provided within a reasonable period of time. If the proposed WGLP is found to be incomplete, the Zoning Administrator shall return the plan to the applicant with a list of deficiencies. Only when the Zoning Administrator finds that the WGLP is complete shall the plan be considered for approval. If the applicant fails to provide all the information required within a reasonable period of time, then the Zoning Administrator may deny the plan on that basis.
 - d. The Zoning Administrator shall have authority to act upon a WGLP submitted in conjunction with alterations within the waterfront greenbelt on lots with less than 100 feet of water frontage.
 - e. The Planning Commission shall have authority to act upon a WGLP submitted in conjunction with alterations within the waterfront greenbelt on lots with 100 feet or more of water frontage.
 - f. Within a reasonable time after an administratively complete WGLP is submitted, the Zoning Administrator or Planning Commission shall approve or approve with conditions the WGLP if the Zoning Administrator or Planning Commission finds that all of the approval standards contained within subsection g below have been met.

- g. A WGLP shall comply with all of the following approval standards:
 - i. The proposed alterations within the waterfront greenbelt area shall comply with all requirements of Section 4.6.A of this Ordinance.
 - ii. The proposed alterations within the waterfront greenbelt area shall not create a significantly adverse impact on fish, birds, wildlife, native vegetation, and general water quality.
 - iii. The proposed alterations within the waterfront greenbelt area shall not create a significantly adverse impact on water quality by increased erosion and sedimentation going into the water.
 - iv. The proposed alterations within the waterfront greenbelt area shall not have a significantly adverse impact on the natural character and aesthetic value of the shoreline and on the visual impact of the development.
 - h. When granting approval of a WGLP the Zoning Administrator or Planning Commission may impose reasonable conditions on such approval pursuant to Section 5.6 of this Ordinance and may require a reasonable performance guarantee pursuant to Section 5.7 of this Ordinance.
- 6. No application of supplemental nutrients, pesticide or herbicides will be allowed in the waterfront greenbelt area or between the waterfront greenbelt area and the water's edge.
 - 7. A maximum of twenty percent (20%) lot coverage shall be allowed on any parcel within five hundred (500) feet of any lake, river or stream, unless stricter standards apply elsewhere in this ordinance.
 - 8. The base of the lowest floor of any building in the township shall be no lower than 585 feet International Great Lakes Datum of 1985.

B. WATER QUALITY PROTECTION ALTERNATIVES

Due to the potential commercial nature of land located within the Village Commercial Zoning District or the Village Mixed Use Zoning District, a waiver of the Waterfront Greenbelt provisions (Section 4.6.A), may be granted for properties located in these districts, by the Planning Commission, as part of a site plan review, upon request of the applicant and subject to the Planning Commission finding that the water quality protection objectives of the greenbelt will be met through the application of other documented storm water management and erosion control techniques and strategies.

The Planning Commission shall make written findings on the following standards prior to deciding whether or not to grant a greenbelt waiver.

- 1. Is there an existing greenbelt meeting the current provisions of the Zoning Ordinance in existence on the subject property?

2. Is there any shoreline protection, retention structure(s) or treatment devices in place? And if so, is it structurally sound, as attested by a Professional Engineer (PE) with a specialty in structural engineering?
3. Will the total amount of impervious surface on the site be altered as a result of the proposed development?
4. Will the proposed site development result in a reduction of the quantity of untreated storm water and/or the rate at which untreated storm water enters the lake, river or stream as compared with conditions prior to the proposed development?
5. The proposed site development is required to provide a storm water management plan which includes storm water management facilities and strategies to address storm water runoff during construction and after completion. The required storm water management plan must be approved by the Soil Erosion Control Officer of Charlevoix County. The recommendations made by the Soil Erosion Control Officer must be provided and completed.

In order to grant a greenbelt waiver, based on the Planning Commission findings for the above standards, the Planning Commission shall determine the proposed plan significantly improves the site's storm water management and site's impact on water quality.

SECTION 4.7 PERFORMANCE STANDARDS

No non-residential or non-agricultural use shall be operated such that it is obnoxious, objectionable, a nuisance or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located. *See Subsection 8.5.H.*

SECTION 4.8 DEPTH TO WIDTH RATIO

- A. For any newly created lot, a maximum depth to width ratio of 4:1 shall be observed, except where other standards apply in this Ordinance. The equivalent diagonal length shall be used to determine compliance with this Section for irregularly shaped lots.
- B. Lots must also comply with the Eveline Township Parcel Division Ordinance.

SECTION 4.9 MOBILE HOMES OUTSIDE OF MOBILE HOME PARKS

- A. Mobile homes are permitted where they meet all requirements of the Zoning District in which they will be located and further meet standards as adopted by the Department of Housing and Urban Development standards as published in CFR 3280, as amended.
- B. A mobile home shall be installed pursuant to the manufacturer's setup instructions and shall have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the applicable building code for single-family dwellings and shall be secured to the premises by an anchoring system or device compatible with those required by the manufacturer. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code applicable within the Township.

- C. Construction of, and all plumbing, electrical apparatus, and insulation within and connected to, said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards, 24 CFR, as amended.
- D. The placement and use of a mobile home in any Zoning District within the Township shall be aesthetically compatible with single-family dwellings in the District, and at a minimum said mobile homes shall be so placed and situated so that the wheels and tongue shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation.
- E. Units shall have a minimum core area dimension of twenty (20) feet by twenty (20) feet.

Sections 4.10-4.11

SECTION 4.10 GROUND WATER PROTECTION

- A. Purpose. To protect ground water sources from hazardous leachates and, in turn, to protect surface waters recharged by ground water.
- B. No storage of or direct or indirect discharge of any materials that may pollute ground water shall be permitted in any location in the Township unless evidence of required permits and approvals from all pertinent Federal, State or County agencies is provided to the Township.

SECTION 4.11 GRADING PERMITS

- A. No premises shall be filled or graded unless the Zoning Administrator has issued a Grading Permit or until a site plan has been approved under the provisions of Article 8. A Grading Permit is not required if the grading is part of an agricultural use for land zoned Farm Forest or Farm Forest 2.
- B. General Standards. The Zoning Administrator shall make the following findings prior to issuing a Grading Permit.
 - 1. If required, the applicant has duly obtained a Soil Erosion Permit from the Charlevoix County Building Department.
 - 2. The applicant has complied with all applicable requirements and standards of Section 4.26, Steep Slopes Protection Overlay Standards.
 - 3. The applicant has submitted information to satisfy the Zoning Administrator that the site alterations will not result in an increase in the volume or speed of surface water discharging onto adjoining parcels.
- C. Informational Requirements. The following information must be submitted with a complete grading permit application:
 - 1. Name, address and telephone number of the owner, developer and petitioner;



Section 4.10

Section 4.11 Grading Permits

2. A timing schedule indicating the anticipated starting and completion dates of the proposed alterations;
3. General description of the proposed site alteration, location, amount of cutting and filling, and limits of proposed grading.
4. If required by the Zoning Administrator, a plan of the site at a scale of one (1) inch equals one hundred (100) feet showing the following:
 - a. Existing and proposed topography at a maximum of five (5) foot contour intervals;
 - b. Location of any structure or natural feature on site;
 - c. Location of any structure or natural feature on the land adjacent to the site and within fifty (50) feet of the boundary line;
 - d. Elevations, dimensions, location, extent and the slope of all proposed grading (including building and driveway grades);
 - e. Such plan shall be sealed by a registered professional engineer and include a statement certifying that all provisions of Section 4.11 of the Eveline Township zoning ordinance have been met under the proposal.

SECTION 4.12 FARM BUILDINGS AND STRUCTURES

All buildings and structures customarily erected and used on farms in the Township shall be subject to all provisions of the Ordinance, including setbacks and other dimensional standards.

SECTION 4.13 SIGNS

The regulations set forth herein shall apply and govern signs in all Zoning Districts.

A. Permit Required.

1. Except as otherwise permitted in this section, no sign may be hereafter erected, moved or structurally altered unless it is in conformity with the following provisions and unless a permit is obtained for such use.
2. If any sign is removed and a new sign erected in its place, a permit shall be obtained.
3. If any sign is removed for maintenance or change of advertising copy and replaced on the same supports, a new permit will not be necessary if the size or type of sign is not changed.
4. If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

B. General Standards

1. Setbacks. Signs shall be placed outside of and no closer than Ten (10) feet from a street right-of-way. Signs shall not be located within five (5) feet of any side lot line.
 2. Directional Signs. Signs not exceeding Four (4) square feet in area may be utilized for traffic regulation/direction.
 3. Visibility.
 - a. No sign shall be erected upon the inside of a curve of a street, which may cause any interference to sight distance.
 - b. 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.
 4. Illumination. No sign shall contain, include, or be illuminated by a flashing light. 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.
- C. Signs allowed with a Permit. The following signs shall only be allowed upon approval of a permit in compliance with the standards of this Section.
1. Signs in the R, MF, MH, and RR Zoning Districts.

In residential districts the only freestanding signs allowed are those advertising a recorded subdivision or other residential development. Such sign shall not exceed Sixteen (16) square feet in area and, if illuminated, the light source shall not be visible from adjacent properties.
 2. Signs in the FF, FF-2, VC, LI, CR, and G Zoning Districts.
 - a. One ground sign per road frontage per parcel, not to exceed ten (10) feet in height and twenty-four (24) square feet in sign area.
 - b. One wall sign per business not to exceed twenty-four (24) square feet.
 - c. Additional window, product, and informational signs shall be permitted provided that no single such sign exceeds five (5) square feet in area and provided that total window area covered by signs does not exceed 20% of the window area.
 - d. Any commercial development with several tenants shall be permitted one directory/development sign in exchange for a permitted ground sign.
 3. Billboards
 - a. May only be located along M-66.
 - b. Must be zoned Village Commercial or Light Industrial

- c. Billboards must be setback a minimum of 50 feet from all property lines
- d. No billboard shall be illuminated.
- e. There shall be a minimum horizontal spacing of two thousand (2,000) feet between any two billboards including both sides of highway.
- f. Billboards shall be a maximum of 32 square feet in area and a maximum height of 10 feet in height above the natural ground surface level.
- g. No billboard shall include any changing or moving messages or parts.
- h. No billboard shall be mounted to the roof of a building.

D. Exempt Signs. The following signs shall be permitted without obtaining a permit in any zoning district; however, this exemption shall not relieve the owner or agent from complying with the applicable provisions and regulations set forth in this Section.

- 1. Real Estate Signs. One (1) non-illuminated sign advertising the sale or lease of the lot or building on which the sign is placed. Such sign shall not exceed eight (8) square feet in area, and no more than one (1) such sign per lot or building is permitted.
- 2. Construction Signs. One (1) non-illuminated sign not over sixteen (16) square feet in area with a maximum height of eight (8) feet which denotes the person, firm, architect, engineer, contractor or agency where construction work is being performed. Such sign shall be removed by the owner or agent within ten (10) calendar days after completion of the project.
- 3. Home Occupation and Cottage Industry Signs. Non-illuminated sign advertising a home occupation or cottage industry not to exceed four (4) square feet. No more than one (1) such sign for each business shall be permitted.
- 4. Interior Building Signs.
- 5. Temporary Special Event Sign. Non-illuminated signs advertising sales, bazaars, and other events provided such signs shall not exceed eight (8) square feet and shall be removed after a period not to exceed thirty (30) days. No commercial business shall advertise more than two (2) special events in one calendar year.
- 6. Nameplates. Signs identifying owners of property or address not to exceed Two (2) square feet.
- 7. Directional Signs complying with the standards of 4.13.B.3 above do not require a permit.
- 8. Signs installed by any government or road agency of any size are exempt from permitting requirements.
- 9. Political Signs. Signs indicating a political party or candidate for public office, or generally expressing an opinion provided that said signs do not exceed twelve (12) square feet in area on each side.

- 10. Sandwich Board Signs. Sandwich board signs not exceeding four (4) feet in height and no more than one per parcel located outside of the street right-of-way shall be allowed without a permit.

E. Nonconforming Signs.

- 1. All signs not conforming to the provisions of this ordinance shall be removed at termination of business.
- 2. Termination of a business shall be demonstrated by permanent closure of a business, as determined under the standards of Section 9.1.B of this ordinance. Seasonal closure shall not constitute termination of a business.
- 3. A business shall not be considered terminated for purposes of this Section if the property owner notifies the Township Clerk in writing of the intent to re-lease property within a six (6) month period.

SECTION 4.14 TEMPORARY BUILDINGS.

Temporary buildings for use incidental to construction work, are allowed in any zoning district upon obtaining a permit issued by the Zoning Administrator. Such temporary building and all debris shall be removed within thirty (30) days after the completion or abandonment of the work. No structure shall be used for dwelling purposes that does not comply with the requirements of this Ordinance or any applicable building codes. No garage or other accessory building, trailer coach, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a permit by the Zoning Administrator and satisfying all of the conditions thereof.

Section 4.14

SECTION 4.15 REMOVAL OF SAND, SOIL OR OTHER MATERIAL *Also see Section 4.11, 2.2, and 2.8.N*

The removal of soil, sand, topsoil, or other material from the land in a quantity under five hundred (500) cubic yards is permitted in any zoning district without a permit. Such removal operation shall comply with the following standards:

- A. Removal shall be completed within sixty (60) days;
- B. Removal shall not occur on the same property more than once in any two (2) year time period;
- C. Removal shall not cause any ponding of water and shall provide proper drainage during and after removal;
- D. Removal shall be related to the construction or alteration of a structure, landscaping, land balancing, road grading, or similar undertaking.
- E. The provisions of this Section shall not be construed to prohibit normal excavation or grading incidental to normal farm operation.

Section 4.15

SECTION 4.16 DIVIDING OF PARCELS

Section 4.16

No parcel or parcels in common ownership, and no yard, court parking area or other space shall be so divided, altered or reduced to make said area or dimension less than the minimum required under the Ordinance. If already less than the minimum required under the Ordinance, said area or dimension shall not be further divided or reduced. All parcel/lot splits must comply with all provisions of the Township Parcel Division Ordinance. *See also Section 9.3, Use of Nonconforming Lots of Record*

SECTION 4.17 PARCEL ACCESS

Newly created road rights-of-way, accessory roads and driveway easements must be a minimum of sixty-six (66) feet in width unless a lesser width is allowed under the provisions of Article 3 Village Mixed Use District or Section 2.8.L Conservation Subdivisions or elsewhere in this Ordinance.

Section 4.17

SECTION 4.18 ACCESS TO WATER FRONTAGE

- A. Purpose. This Section is intended to limit the number of users of the lake or stream frontage to preserve the quality of the water, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township
- B. Applicability. These regulations shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, fee simple ownership, condominium common or limited common element, or lease. Further, these regulations shall apply to any development in any zoning district which shares a common lakefront or stream area. Provided, however, this section shall not apply to development within the Village Area Mixed Use District.
- C. Not more than one (1) single-family home, cottage, condominium or apartment unit may gain water access for each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the waters edge at all time high water mark of any lake (for Lake Charlevoix, 582.35 feet International Great Lakes Datum 1985), or in the case of a stream or river, the observed edge of the shoreline.

Section 4.18 access to Water Frontage

SECTION 4.19 DOCKS, BOAT AND SEA PLANE PARKING (Amended 11/2017)

- A. Except for properties upon which a marina is permitted by all of the following: the Eveline Township Zoning Ordinance, the Michigan Department of Environmental Quality, and the U.S. Army Corps of Engineers, only one dock will be permitted for each waterfront lot.
- B. Except for lawfully existing club or association marinas, commercial marinas approved under this ordinance, or any marina approved under the Village Mixed Use District, not more than three (3) boat parking spaces, may be provided for each lot with lake frontage in any zoning district in the township. Undocked boats may be stored elsewhere on a residential lot only in conformance with the requirements of this ordinance. In any residential district, all boats docked at or stored on the lot shall be owned and registered to the legal resident of the lot.
- C. All permits required by the MDEQ, Corps of Engineers, Eveline Township, and other applicable entities must be obtained prior to the construction or modification of docks or marinas.

Section 4.19 Docks and Boat Parking

- D. Each dock shall be located at least Ten (10) feet from the riparian boundary line as projected from the shoreline in the manner prescribed by law.

SECTION 4.20 USE OF RECREATIONAL VEHICLES AND BOATS AS TEMPORARY DWELLINGS

- A. Short time use only. A one (1)-time occupancy of no more than thirty (30) consecutive days per year may be allowed for a recreational vehicle if it is self-contained or has an approved sanitary system. No permit shall be required.
- B. Seasonal use is not allowed for recreational vehicles except in a mobile home park, and boats used as short or long term dwellings shall be located in a commercially zoned marina.

SECTION 4.21 VEHICULAR PARKING

- A. 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:

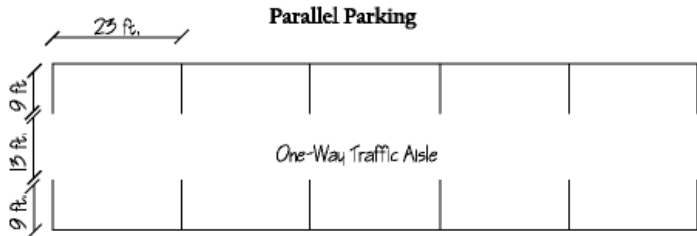
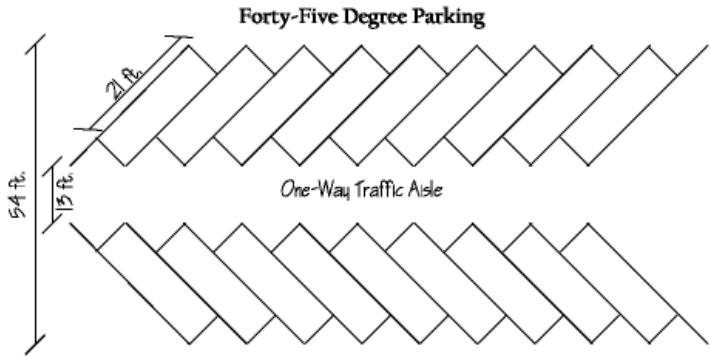
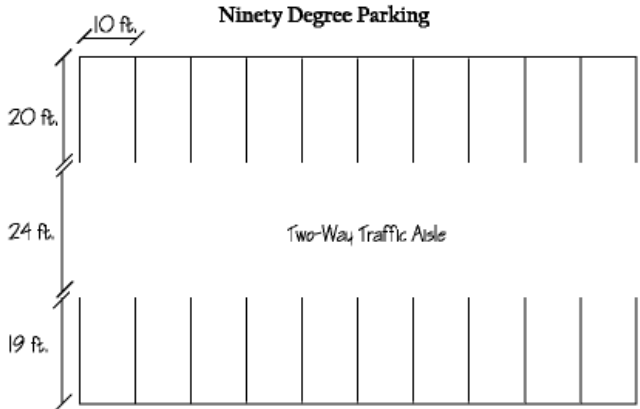
USES	SPACES REQUIRED
Bowling Alleys	5 per lane in addition to spaces required for restaurants.
Fast-food takeout establishments and drive-in restaurants.	0.10 times floor area in sq. ft.
Restaurants except drive-ins	1.2 per 100 sq. ft. of floor area.
Furniture, appliance, household equipment, carpet and hardware stores, repair shops, including shoe repair, contractors showrooms and others, museums and galleries.	1.2 per 100 sq. ft. of floor area.
Funeral parlors	1 per 50 sq. ft. of floor area.
Gas stations	1 per pump, 2 per lift, in addition to stopping places adjacent to pumps.
Marinas	0.75 per boat in slip and/or storage.
Laundromats	0.5 per machine.
Doctor's and Dentist's offices.	1 per 100 sq. ft. of waiting room area and 3 per Doctor or Dentist.
Banks	2 spaces plus 1 per 150 sq. ft. of floor area.
Warehouses	1 per 150 sq. ft. of floor area.
For uses not specifically listed above, the requirements listed below are applicable:	
Retail stores and service establishments.	1 per 150 sq. ft. of floor area and outdoor sales space.
Offices	1 per 300 sq. ft. of floor area.
Single and two-family dwellings	2 per dwelling
Hospitals, clinics, sanitariums and convalescent homes	2 spaces plus 1 per lawful number of occupants
Hotels, motels, bed & breakfasts and tourist homes	2 spaces plus 1.2 per room in addition to spaces required for restaurant facilities

Multiple family dwellings	2 per dwelling unit or Floor area in sq. ft. divided by 440, whichever is greater
Mobile home subdivisions and parks	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, and concert halls.	0.35 times the seating capacity
Golf courses	7 per hole.
Barber shops and Beauty Parlors	2 plus 1.5 per chair.

- B. Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- C. Required off-street parking shall be provided on the lot to which it pertains.
- D. 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 (Michigan Department of Transportation in the case of M-66), and this approval shall include the design and construction in the interest of safety, adequate drainage and other public requirements.
- E. The use of any required parking space for the storage of any motor vehicle for sale, or for any purposes other than the parking of motor vehicles, is prohibited.
- F. Except for single-family residential uses, no parking spaces shall be located in a required setback area. Driveways and aisleways associated with off-street parking may be located within a required setback. Stacking of parking shall not be allowed in locations other than residential districts at single family dwellings.
- G. The following minimum design standards shall be observed in establishing off-street parking:

PARKING ANGLE (degrees)	STALL WIDTH	AISLE WIDTH	PARKING STALL LENGTH	CURB TO CURB
0 TO 15	9 ft.	12 ft.	23 ft.	30 ft.
16 to 37	10 ft.	11 ft.	22 ft.	47 ft.
38 to 57	10 ft.	13 ft.	21 ft.	54 ft.
58 to 74	10 ft.	18 ft.	20 ft.	61 ft.
75 to 90	10 ft.	24 ft.	20 ft.	63 ft.

Section 4.21 Vehicular Parking (cont.)



SECTION 4.22 REQUIRED OFF-STREET LOADING SPACES

Loading spaces required under this Section shall be at least fifty (50) feet long and twelve (12) feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least twenty thousand (20,000) square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for every additional twenty thousand (20,000) square feet of floor area or fraction.

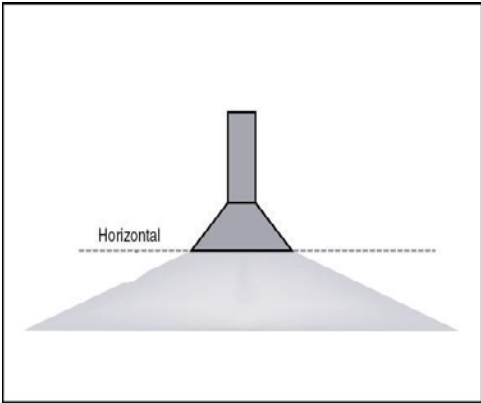
Section 4.21 Vehicular Parking (cont.)

Section 4.22

SECTION 4.23 EXTERIOR LIGHTING

A. Light Shielding for Uses in Any District.

1. All building lighting for security or aesthetics will be full cut off or a shielded type, not allowing any upward distribution of light.
2. All pole-mounted lighting of parking or display areas shall be shielded but in no case shall the light be permitted to extend above the horizontal plane (90 degrees). (See graphic)
3. For any use, light shall be shielded and directed such that it is contained within the property lines.



B. Non-Residential Uses. For any commercial, industrial, institutional, or other non-residential or non-agricultural use, the following exterior lighting standards shall apply:

1. Maximum Luminance. Wattage for any lamp used for outdoor lighting shall be limited to 100 watts with the exception of Low Pressure Sodium lamps, which shall be limited to 55 watts.
2. Height. Pole mounting height for any outdoor lighting shall not exceed 25 feet.

C. Residential or Agricultural Uses. For any residential or agricultural use, the following exterior lighting standards shall apply:

1. Luminance/Shielding/Lamp Type. The shielding and wattage standards in the following table shall apply to all new or replacement exterior residential lighting:

Lamp Type	Shielding Required	Maximum Wattage (8,000-9,500 lumens)
Low Pressure Sodium	Full	55 watts
High Pressure Sodium	Full	100 watts
Mercury Vapor Lamps	Prohibited	Prohibited
Metal Halide Lamps (not Mercury Vapor)	Full	100 watts
Fluorescent	Full	100 watts
Quartz	Prohibited	Prohibited
Any light source 20 watts or less	None	N/A.
Glass tubes filled with neon, argon, krypton	None	N/A.

- 2. Applicants for all new single family residential subdivision or site condominium developments shall be encouraged to include in the deed restrictions or master deed the standards set forth in this Section for exterior residential lighting.

D. Street Lighting: For residential subdivisions or site condominiums, or other multiple user developments, the Planning Commission may permit pole-mounted street lighting within the development where proposed densities dictate. The following restrictions shall apply:

- a. Light Distribution. The applicant must submit a photometric grid demonstrating that sufficient overlap of light and even light distribution will be provided. Luminance shall not exceed an average of 0.4 footcandles.
- b. Height. Pole mounting height shall not exceed 15 feet.
- c. Shielding. Full shielding as defined in Paragraph A of this Section must be achieved on the street lighting fixtures, however, the cutoff angle for pole mounted street lighting shall be between 75 and 80 degrees.

SECTION 4.24 COMPLAINTS

All zoning complaints should be submitted in writing to the Zoning Administrator.

SECTION 4.25 ACCESSORY STRUCTURES (amended March 27,2018)

- A. An accessory building shall only exist or be constructed where there exists a primary structure on the same parcel. The following are exceptions to this restriction:
 - 1. When a permit for construction of a primary structure has been approved, a permit for construction for an accessory building on the same parcel may also be approved conditioned on a performance bond ensuring removal of the accessory structure in two (2) years, if no primary structure has been constructed, or if no satisfactory progress in the construction of a primary structure has occurred.
 - 2. Where the demolition or land division of a parcel is proposed which would result in an accessory building without a primary structure, the demolition or land division shall be conditioned on a performance bond ensuring removal of the accessory structure in two (2) years, if no primary structure has been constructed, or if no satisfactory progress in the construction of a primary structure has occurred.
 - 3. Accessory building without a primary structure may be established where ALL of the following apply:
 - a. The parcel is actively in a bona fide agricultural use (as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended); and
 - b. Such agricultural use is the primary use on the parcel; and
 - c. The parcel is at least five (5) acres in area, and

- d. The parcel is located in the RR, FF, or FF-2 zoning districts.
4. An accessory storage shed may be placed on the lakeside portion of a waterfront lot, as defined in this Ordinance that is divided by a public road when all of the following requirements are met and a zoning permit is obtained:
- a. The portion of the waterfront lot between the public road and the lake is entirely within the 50 feet shoreline setback specified in Section 2.3.
 - b. A principal structure is located on that portion of the waterfront lot that is not between the public road and the lake.
 - c. The shed is used exclusively by the owner or legal occupant of the waterfront lot.
 - d. The shed is not used or occupied as a dwelling or to house any animals, but is otherwise used to store personal property related to a use authorized in the zoning district in which the shed is located.
 - e. The floor area of the shed is no more than 48 square feet.
 - f. The height of the shed is no more than eight (8) feet, as measured under the requirements of the definition of building height.
 - g. The shed does not have any permanent foundation or concrete floor.
 - h. The shed complies with all of the following setbacks:
 - i. Ten (10) feet from any side lot line.
 - ii. Five (5) feet from the all-time high water mark.

The following dimensional restrictions shall apply to all accessory buildings having a floor area equal to or greater than two hundred (200) square feet on the ground floor or main floor.

- B. An accessory building unattached to the principal building shall comply with all setback requirements and shall be setback a minimum of ten (10) feet from any other building.
- C. One additional accessory building having a floor area less than two hundred (200) square feet is permitted and shall comply with the front yard setback required for primary structures, but shall only require minimum side and rear yard setbacks of ten (10) feet.
- D. An accessory building in the Single Family Residential Zoning District (R), shall be for personal use by the owner or occupant of the property.
- E. An accessory building shall not be used, in whole or in part, as a dwelling.

- F. An accessory structure, on a lakefront lot, shall not be closer to the waterfront than the principal structure.

Dimensional Restrictions for Accessory Buildings

Dimensional Restrictions	RR, FF and FF-2 Zoning Districts	Single Family Residential Zoning District	All Other Districts
<i>Setbacks for Agricultural Accessory Buildings</i>	75 feet front yard setback, must meet all other setbacks for primary structures	Not permitted	Not permitted
<i>Setbacks for all Other Accessory Buildings</i>	Meet all setbacks for primary structures	75 feet front setback from any public road right-of-way, 25 feet setback from any private road right-of way, must meet all other setbacks for primary structures ^(a)	Must meet all setbacks for primary structures and may not be located in non-required front yard
Total Number of Accessory Buildings Permitted per Parcel (“structures” not defined as “building” in this ordinance are not subject to this restriction)	No limit	Maximum of 1 (plus 1 minor per D below)	Maximum of 1 (plus 1 minor per D below)
Maximum Permitted Height	35 feet	Maximum 14 foot sidewalls and 25 feet total height	25 feet
Maximum Permitted Size	No limit	Parcel Size	1,025 square feet
		Building Max	
		< 2 acres	
2 acres or greater	1,800 sf ^(c)		

^(a) To the extent possible, access shall be by the existing driveway and, for all permitted accessory buildings in R, access to such building shall be positioned so as to comply with the screening requirements set forth herein.

^(b) 1,200 square feet when the dwelling does not have an attached garage.

^(c) Landscaping for screening purposes shall be required, unless specifically waived or modified by the planning commission when warranted by the building location and/or the existence of adequate vegetation or topographic screening and a commitment to maintain the same. Such landscaping shall be designed to effectively obscure the view of the accessory building from public or private rights-of-way and other R properties on a year-round basis. When landscaping is required the applicant shall submit a landscaping plan to the planning commission.

SECTION 4.26 STEEP SLOPES PROTECTION OVERLAY STANDARDS.

- A. Purpose. This section is intended to protect resources in environmentally sensitive areas to ensure that development does not result in erosion and in flooding during site preparation and the development process. All uses and activities established after the effective date of this Ordinance shall comply with the following standards. Site alterations, re-grading, filling or the clearing of vegetation, or any other activity deemed detrimental to any environmentally sensitive area or resource prior to the submission of plans for subdivision or land development shall be a violation

of this Ordinance. Developers are encouraged to use these overlay standards in coordination with the Alternative Development Options listed in Section 2.3 to cluster housing units in such a way as to avoid excessive alterations to existing grades over fifteen (15%) percent.

B. General Design Standards.

1. Structures shall be designed in a manner that requires a minimum amount of alteration to the steep slope and that otherwise complies with the grading standards in Subsection C, below. Except where a geologic report submitted by the applicant and prepared by a qualified professional recommends otherwise, multi-level building design and/or terracing shall be used. Otherwise, structures shall be sited on existing level areas of the site.
2. Particular caution shall be taken to prevent increases in the rate of stormwater runoff and erosion downslope of any steep slope development site. An approved Soil Erosion Permit shall be submitted before any use is approved under the provisions of this Ordinance.

C. Specific Design Standards.

1. Any site disturbance of slopes exceeding fifteen (15%) percent shall be minimized.
2. No site disturbance shall be allowed on slopes exceeding twenty-five (25%) percent, except under the following circumstance.
 - a. Grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding twenty-five (25%) percent is possible.
 - b. Upon submission of a report by a certified soil or geotechnical engineer indicating that the steep slope may be safely development and execution of a provision agreeing to hold Eveline Township harmless from any claims of damages due to approval of such development. If development is allowed to proceed under this subsection, no more than fifteen (15%) percent of such areas shall be developed and/or re-graded or stripped of vegetation.
 - c. Finished slopes of all cuts and fills shall not exceed three-to-one (3:1) slope unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

SECTION 4.27 KEEPING OF LIVESTOCK AND FARM ANIMALS

A. In the RR, FF, and FF-2 districts, livestock and other farm animals may be kept on any parcel meeting the following standards:

1. Parcel shall be a minimum area of five (5) acres.
2. There shall be a residence on the parcel or contiguously owned parcel, and the keeping of livestock shall be clearly accessory to and for the use of the residence.

3. All animals shall be properly fenced and contained. Special training or exercising corrals shall be located not less than one hundred (100) feet from any lot line.
 4. Accumulations of manure shall be limited to a single designated area and shall be a minimum of 150 feet from all public rights-of-way, a minimum of 100 feet from the side and rear lot lines, and a minimum of 100 feet from all dwellings. All manure and stable refuse shall be treated and handled in a manner so as to control odor and flies and shall be screened from view off-site.
 5. Barns suitable for housing of livestock and storage of the necessary hay and grain consumed by the animals may be constructed on the premises in accordance with this Ordinance.
 6. The maximum number of animals allowed shall be in accordance with the following schedule:
 - a. Horses, Ponies, Cows, and similar animals: Five (5) acres for the first 2 animals and one (1) animal per each one (1) acre thereafter.
 - b. Pigs, Sheep, and Goats: Two (2) such animals per acre.
 - c. If a combination of animals under a. and b. above are to be maintained, two (2) animals from b. may replace any one (1) animal from a. in the total number allowed.
 - d. Poultry: Thirty-five (35) per acre, in any combination, in addition to other animals listed in a and b, above.
- B. In the FF or FF-2 districts, livestock may be kept in conjunction with a bone fide farm operation. The number of livestock kept, and the care and maintenance of such livestock shall be in accordance with the Right to Farm Act, PA 193 of 1981, as amended and with the Michigan Commission on Agriculture's Generally Approved Agricultural Management Practices (RFA/GAAMPS).

SECTION 4.28 EXCEPTIONS TO HEIGHT RESTRICTIONS

The height provisions of this Ordinance shall not apply to any of the following uses:

- A. Ornamental structures such as a church steeple, belfry, spire, clock tower, dome, cupola, or flag pole.
- B. Structural or mechanical elements such as chimney or smoke stacks, ventilators, bulkheads, and cooling towers, provided that such structures do not exceed twenty percent (20%) of the roof area.
- C. Aids to navigation.
- D. Electrical transmission tower
- E. Water storage structure.
- F. Barn, silo, drying elevator or tower, or grain elevator where associated with a bona fide agricultural use

SECTION 4.29 CONDOMINIUMS

A. Condominium Development Without Subdivision Of Land

Condominium development not involving condominium lots within a condominium subdivision shall comply with all regulations of the Zoning District in which it is located. A site plan submitted for approval under Article 8 shall include, where necessary, possible lot lines used only to determine that all dimensional standards of this Ordinance can be met under the proposal and not meant to be included in the recorded condominium documents.

B. Condominium Conversions

- 1. Review Not Required. The conversion of existing lands, buildings or structures into a condominium form of ownership shall not require site plan review or the approval of the Planning Commission or the Township Board. Platted lots overlaid with a condominium may require site plan review under the provisions of Section 8.2 where lot lines are altered and there are four or more resulting condominium units or lots.
- 2. Township Attorney Review. All condominium conversions and master deeds shall be reviewed by the Township Attorney for compliance with relevant local regulations.

SECTION 4.30 HOME BUSINESS

While Eveline Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance, which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

A. Home Occupations

1. Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right.
2. Home Occupations shall be operated in their entirety within the dwelling or within an attached garage and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area.
3. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non-resident person shall be employed to assist with the business.
4. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling, and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
5. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes; and shall not detract from the residential character of the premises or neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. No machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials of any kind is prohibited.
9. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
10. There shall be no parking permitted within any setback areas.
11. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.

B. Cottage Industries

1. Cottage industries may be permitted either by right or special use permit, as specified in the zoning district regulations. Cottage industries shall be allowed on the basis of individual merit; a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a property is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. Any exterior evidence of such industry shall be screened (per subsection 4).

- 3. A cottage industry shall occupy not more than one building. The floor area of such buildings shall not exceed the allowable accessory building size per Section 4.25.
- 4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (such screen may include, but is not limited to, tight-board wood fence, landscaped buffer, or landscaped berm) from view from neighboring property and road rights-of-way. If required, the Planning Commission approval of the type of screening shall be required to ensure compatibility with surrounding property uses.
- 5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
- 6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- 7. Cottage industries shall be conducted only by the person or persons residing on the premises. Up to two additional employees or assistants shall be allowed.
- 8. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
- 9. To ensure that the cottage industry is compatible with surrounding residential use, hours of operation shall be approved by the Planning Commission.

Section 4.30 Home Business (cont'd)

ARTICLE 5

ADMINISTRATION & ENFORCEMENT

SECTION 5.1 ZONING ADMINISTRATION

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.

SECTION 5.2 ZONING PERMIT

- A. Any new construction, or exterior alterations or structural alterations, or changes in use of existing buildings shall require a permit from the Zoning Administrator. No such permit 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 or other person acting upon written consent of the owner and shall certify that all provisions of the Ordinance and other applicable laws and requirements are to be complied with.
- C. The application shall be filed not less than ten (10) days prior to the intended initiation of any work on the premises.
- D. The application shall include the following information at a minimum:
 - 1. A line drawing to scale showing the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein;
 - 2. The size, dimensions, location on the premises, and height of all buildings, or structures to be erected or altered;
 - 3. The width and alignment of all abutting streets, highways, alleys, easements, and public open spaces;
 - 4. The location and dimensions of sewage disposal facilities to be erected on the premises under consideration;
 - 5. The location of all wells to be drilled on premises;
 - 6. All proposed setbacks from lot lines; and
 - 7. The locations of all ingress and egress locations, and parking areas including for commercial uses, the dimensions and number of proposed parking spaces;
 - 8. Other information requested by the Zoning Administrator as required for complete review of the application, including, but not limited to a staked property survey, including topographic elevations at 5-foot intervals where necessary to confirm compliance with Section 4.27, Steep Slope Protection Overlay.

- E. Whenever the building, structure or use set forth in the application is in conformity with the provisions of the Ordinance, the Zoning Administrator shall issue the owner a zoning permit within ten (10) days of the filing thereof.
- F. Where action of the Zoning Board of Appeals, Planning Commission and/or Township Board is required in any case, the Zoning Administrator shall convey the application and all required information to the applicable body prior to issuing a zoning permit.
- G. Any zoning permit issued under which no work is done within twelve (12) months from the date of issuance shall expire; but shall be renewable upon re-application and payment of a new fee, subject, however, to the provisions of all Ordinances in effect at the time of renewal.
- H. The Zoning Administrator shall have the power to revoke or cancel any permit in the case of false statement or misrepresentation made in the application. The owner shall be notified of such action in writing.
- I. After completion of construction, or as necessary, prior to construction of footings, or prior to occupancy, the Zoning Administrator shall inspect the premises.
- J. It shall be the duty of all contractors and other persons having charge of erection, reconstruction or movement of a building or structure, to insure that permits have been obtained before undertaking any such work, and all such persons performing any work in violation of the provisions of this Ordinance shall be deemed responsible for a violation in the same manner and to the same extent as the owner of the premises.

SECTION 5.3 FEES.

The following shall govern zoning fees under this Ordinance:

- A. To cover the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
 - 1. Zoning permits.
 - 2. Special use permits.
 - 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - 4. Classification of unlisted property uses.
 - 5. Requests for variances from the Zoning Board of Appeals.
 - 6. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board or the Planning Commission shall not be subject to a rezoning fee.
 - 7. Site plan reviews.

8. Review of development plans.
9. Extensions of nonconforming uses.
10. Removal of sand, soil, or other material.
11. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including, but not limited to, the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant. No separate zoning fee shall be required for accessory structures, if those accessory structures are applied for on the same application as the principal structure.

- B. If the Township Board, upon recommendation of the Planning Commission or Zoning Board of Appeals, determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Township Board, upon recommendation of the Planning Commission or Zoning Board of Appeals, determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professional is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Township Board equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Township Board may require the applicant to deposit additional fees into escrow in an amount determined by the Township Board to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to any final decision regarding the issuance of any permit or decision on an appeal.

SECTION 5.4 AMENDMENT PROCEDURE

- A. Amendments to this Zoning Ordinance may be made from time to time in the manner provided by law.
- B. Proposals for amendments may be initiated by the Township Planning Commission, Township Board or by petition of one (1) or more property owners.

- C. 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 by the Township Board. No part of such fee shall be refundable.
- D. The Zoning Administrator shall notify, in writing, the Chairman of the Township Planning Commission of the requested amendment.
- E. The Township Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and its impacts and effects on the community's physical development and its compliance or lack thereof with the adopted Township Plan. The Township Planning Commission may recommend any additions or modifications to the original amendment proposal.
- F. The Township Planning Commission shall conduct a public hearing.
 - 1. The Township shall publish notice of the request and public hearing in a newspaper of general circulation in the Township.
 - 2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - 3. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. The places and times at which the proposed text and any maps of the zoning ordinance or related amendments may be examined.
 - 4. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning as provided above, except for the requirement of F.2 above and except that no individual addresses of properties are required to be listed under F.3.b.

- G. Meeting notices shall be posted at the meeting hall in compliance with the Open Meetings Act, P.A. 267 of 1976.
- H. Following the public hearing, the Township Planning Commission shall transmit their recommendations on the proposed amendment to the County Planning Commission for review and comment.
- I. The Township Board will take final action on the proposal at their next regular meeting or within a reasonable period of time following response by the County Planning Commission. The Township Board shall hold a public hearing if it considers it necessary or if a property owner requests a hearing by certified mail, addressed to the Township Clerk. Such hearing shall be noticed as specified under 5.4.F.
- J. 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 back to the Township Planning Commission for a report thereon within thirty (30) days.
- K. After the public hearing, if any, the Township Board shall consider and vote upon the adoption of the proposed change to the ordinance or rezoning, with or without amendments. The proposed change to the ordinance or rezoning shall be approved by a majority vote of the members of the Township Board.
- L. Amendments to the zoning ordinance shall become effective eight (8) days after publication by the Township Clerk of a notice of adoption of an amendment in a newspaper of general circulation. Such publication shall be made within fifteen (15) days of adoption.

SECTION 5.5 ENFORCEMENT

- A. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation or association who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than five hundred and 00/100 (\$500.00) dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
- C. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- D. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

SECTION 5.6 CONDITIONS

The Planning Commission or Zoning Board of Appeals may attach reasonable conditions with the approval of a development within the Village Area Mixed Use District, a site plan, special use permit, or variance. These conditions may include those necessary to insure 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 activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

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

SECTION 5.7 PERFORMANCE GUARANTEE

In connection with the construction of improvements in a development within the Village Area Mixed Use District, through site plan approval, or special land use approval the Planning Commission may require the applicant to furnish the township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has voluntarily agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the township clerk at or before the time the township issues the permit authorizing the development, or if the development has been approved in phases, then the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third of the cash deposit after completion of one-third of the public and site improvements;
- B. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

SECTION 5.8 REHEARINGS

- A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
 3. The township attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. A rehearing may be requested by the applicant or by the Zoning Administrator or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:
1. A request for a rehearing which is made by an applicant must be made within 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.
 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

ARTICLE 6

ZONING BOARD OF APPEALS

SECTION 6.1 CREATION

There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided by Act 110 of the Public Acts of 2006, 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 6.1

SECTION 6.2 MEMBERSHIP

- A. The Zoning Board of Appeals shall consist of three (3) members or alternates as provided by Section 601 of Act 110 of Public Acts of 2006, as amended. 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.
- B. Alternate Members. The Township Board may appoint not more than 2 alternate members to the Zoning Board of Appeals. Alternates shall not be a member of the Township Board or Planning Commission. Alternates may be called as needed to serve on a rotating basis:
1. In the absence of a regular member if the regular member will be unable to attend one (1) or more meetings.
 2. For the purpose of reaching a decision in a case in which a regular member has abstained for reasons of conflict of interest.
 3. The alternate member shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Section 6.2 Membership

SECTION 6.3 VARIANCES

- A. The Board shall have the power to authorize specific variances or departures from this zoning ordinance. A variance from the dimensional requirements of this zoning ordinance may only be granted if it is determined that all requirements of Section 6.4.C.1 have been satisfied. No use variance or any variance from the use requirements of this zoning ordinance shall be granted.
- B. The following information shall be required for a variance application:
1. A completed application form including, at a minimum, the applicant's and property owner's name and address, property address and parcel tax identification number, and a complete description of the requested improvement specifying the reason a variance is needed.
 2. Signature of the applicant and the property owner or an authorized agent of the owner (authorization must be specified in writing).

Section 6.3 Variances

3. Survey of the lot (if deemed necessary by the Zoning Administrator or chairperson of the Zoning Board of Appeals) detailing that portion of the property involved in the requested variance.
 4. Copies of any permits or other correspondence from outside agencies regarding the proposal must be supplied.
 5. Payment of all required fees.
- C. If a survey is required under B.3 above, lot lines must be marked by stakes at the lot corners or otherwise clearly visible on the site.

SECTION 6.4 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

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

A. Appeals

Shall hear and decide appeals from any review, any order, requiring a decision or determination made either by the Zoning Administrator and/or the Eveline Township Planning Commission in the administration of this Ordinance unless specified otherwise (*See Section 3.4 Appeals, in regards to the Village Area Mixed Use District*).

B. Interpretation The Zoning Board of Appeals shall hear and decide upon the following requests:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance, the Article in which the language is contained, and all relevant provisions of this Ordinance.
2. Determine the precise location of the boundary line between zoning districts when there is dissatisfaction with the decision made by the Zoning Administrator or uncertainty on the part of the Zoning Administrator.
3. Classify a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or conditional land use, in accordance with the purpose and intent of each district. If no comparable use is found, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.

C. Variances

1. The Zoning Board of Appeals shall have the power to authorize specific variances from such dimensional requirements of this Ordinance (area, setback, frontage, height, bulk, density or other dimensional requirements) if it finds based upon competent, material, and substantial evidence following a public hearing that the applicant has established practical difficulty exists for the requested variance by showing all of the following:
 - a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape,

water, or topography and is not due to the applicant's personal or economic hardship.

- b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with the purpose and intent of this ordinance and those regulations unnecessarily burdensome.
 - d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with the purpose and intent of this ordinance and give justice to other property owners.
 - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
2. In addition to the foregoing conditions, the following rules shall be applied in granting of variances:
- a. The Zoning Board of Appeals may impose conditions on the granting of any variance as authorized by Section 5.6 of this Ordinance.
 - b. 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 except when a rehearing is granted pursuant to Section 5.8 of this ordinance.
 - c. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within twelve (12) months after the granting of the variance.

SECTION 6.5 PROCEDURES

A. Notice of Hearings

1. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in

question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

2. For a variance request, The Township shall publish notice of the request and hearing in a newspaper of general circulation in the Township.
 - a. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 - b. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - i. Describe the nature of the request.
 - ii. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
 - iii. State when and where the request will be considered.
 - iv. Indicate when and where written comments will be received concerning the request.

B. Recess of Hearings. The Zoning Board of Appeals may recess such hearings 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.

C. Appearance by Applicant. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

D. Decisions

The Zoning Board of Appeals shall return a decision upon each case within a reasonable period of time after a request for appeal, variance, or other matter as specified in this ordinance 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 minutes of the meeting at which the decision is made are approved.

E. Stay of Proceedings

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals of the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

F. Appeals Procedure

1. Any appeal from the ruling of the Zoning Administrator or Planning Commission 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 decision which is the basis of the appeal.
2. 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 was taken.
3. The Zoning Board of Appeals will not consider an appeal related to the approval of a project under the Village Mixed Use District, see Section 3.4. The Zoning Board of Appeals, may however, hear an appeal relating to the approval of a special land use, see Section 7.2.G.

ARTICLE 7

SPECIAL USE PERMITS

SECTION 7.1 PURPOSE

Certain non-customary land use activities entitled "special uses" may be authorized in the various zoning districts, but only if adequate safeguards are provided to ensure the protection of the public health, safety, and general welfare.

SECTION 7.2 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. The application shall include a site plan with all information required under Section 8.3 and shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the item is to be considered.
- B. The Zoning Administrator and any designated outside consulting reviewers shall determine, within a reasonable period of time, whether the application is complete.
- C. If the application is found to be incomplete, it shall be returned to the applicant with a list of deficiencies. When an application is found to be complete, the Zoning Administrator shall forward the application and supporting data to the Township Planning Commission no less than fifteen (15) days prior to its next regularly or specially scheduled meeting.
- D. At such meeting, the Planning Commission shall set a public hearing.
 1. The Township shall publish notice of the request and hearing in a newspaper of general circulation in the Township.
 2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 3. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.

- c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
4. Meeting notice must be posted at the meeting hall in compliance with the Open Meetings Act, P.A. 267 of 1976.
- E. The Township Planning Commission and, at its option, designated outside consulting reviewers, shall review the proposal as presented in the application and in terms of the standards and requirements established in the Ordinance.
 - F. After adequate review and study of an application, and after the Township Planning Commission has held a public hearing, the Township Planning Commission may issue a special use permit. The Planning Commission may also deny the application, approve it subject to conditions, or it may table the application for further study. A copy of the decision, with any conditions or reasons for rejection, shall be sent promptly to the Zoning Administrator and to the applicant.
 - G. The Zoning Board of Appeals shall review any decision made by the Eveline Township Planning Commission regarding a special use permit, provided an application for appeal is made to said Board of Appeals. The applicant, Zoning Administrator, Township Board, or any aggrieved persons may file such an appeal.

SECTION 7.3 BASIS OF DETERMINATION

- A. The Township Planning Commission shall review the proposed special use in terms of standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location meets the following general standards:
 - 1. 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 a use will not change the essential character of the area in which it is proposed to be located.
 - 2. Will not be hazardous or disturbing to existing or future nearby uses.
 - 3. Will be equal to or an improvement in relation to property in the immediate vicinity and to the Township as a whole.
 - 4. 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.
 - 5. Will not create additional public costs and will not be detrimental to the health, safety, and general welfare of the Township.
 - 6. Is listed as an allowed special use in the district in which it is proposed.
- B. In addition, some special land uses are subject to additional specific standards as listed in Section 2.8, please refer to this Section. No special land use will be approved unless these and all other applicable standards have been met.

SECTION 7.4 VALIDITY OF PERMIT

- A. Where physical construction of a substantial nature of structures authorized by a special land use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate.
- B. Upon written application filed prior to the termination of the one (1) year period as provided above, the Township Board may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing and completing construction within the one (1) year extension. The Township Board may require compliance with any amendments to the Zoning Ordinance since the special land use was originally approved.

Section 7.4 Validity of Permit

SECTION 7.5 AMENDMENTS, EXPANSIONS OR CHANGE IN USE

Amendments to Existing Special Uses. Any proposed expansion, change in use, building addition, new use, or addition of a use on any site operating under a special use permit shall be subject to special land use review under the procedures of this Article for the original special land use. All portions of the site and component uses on the site shall be subject to review and subject to conditions as allowed under this Article. The Planning Commission may attach conditions or changes to the existing uses or components as well as to the proposed new uses or components. Conditions or changes attached to existing uses or components shall be related to total impact or to rectifying nonconformities but shall be proportionate to the level of the proposed expansion, change, or addition.

Section 7.5

SECTION 7.6 CONDITIONS

The Township Planning Commission may attach reasonable conditions with the approval of a special use permit. See Section 5.6.

Section 7.6

ARTICLE 8
SITE PLAN REVIEW

SECTION 8.1 APPLICABILITY

No building shall be erected or structurally altered, nor shall any grading take place on any lot or parcel where a site plan is required, unless seven (7) copies of the site plan, drawn to scale, shall be filed with the Zoning Administrator, with appropriate fees, and approved by the Township Planning Commission.

SECTION 8.2 SITE PLANS REQUIRED.

- A. Site Plans Required: Unless exempted in 8.2.B, below, a site plan with information as detailed in 8.3 is required for any:
1. Special use in any district;
 2. Non-single family use permitted in any district;
 3. Residential subdivision or condominium project with over four residential units.
- B. Site Plans Not Required: A site plan is not required for the following:
1. Construction of or alteration to a single-family dwelling;
 2. Construction of an accessory structure in any residential zoning district.
 3. Any residential land division;
 4. Any development proposed under the Country Properties Option or Sliding Scale Option.

SECTION 8.3 INFORMATION REQUIREMENTS

- A. The plan shall meet the following general requirements:
1. All site plans shall be drawn at a scale depicting no more than one hundred (100) feet per inch and shall include plan preparation and revision dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within two thousand (2,000) feet of the site.
 2. The site plan shall be accompanied by a signed application; the application shall, at a minimum, include the applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant, and tax identification number; signature of the applicant and the property owner or of someone acting upon written consent of the owner.
- B. The site plan shall contain the following:
1. A survey of the property showing property line dimensions and bearings, and easements of record, required setbacks, and a written legal description.

Section 8.1

Section 8.2 Site Plans Required

Section 8.3 Information Requirements

2. Present zoning of the subject property and adjacent property.
3. All existing or proposed public and private right-of-way and easement lines located on and adjacent to the subject property.
4. Location and total number of curb cuts, driveways, off-street parking, and loading spaces.
5. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors, and proposed uses.
6. Location and dimensions of all existing and proposed structures, walks, open areas, walls, fences, screen plantings and/or other landscaping.
7. Existing and proposed sewer, water, and other utility lines, plus location and type of sewage treatment facility and water sources.
8. Area of subject property to be covered by buildings.
9. Location, size, height and orientation of all signs, trash receptacles, light fixtures, and any other accessory structures and uses.
10. Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater as well as point of discharge.
11. Site plans for residential projects, (single-family dwellings, multiple-family developments, mobile home parks, motels, hotels, Bed & Breakfast etc.) shall include the following additional information:
 - a. Minimum floor area of dwelling
 - b. Total number of units proposed
 - c. Number of bedrooms per unit
 - d. Areas to be used for open spaces and recreation
12. General locations of natural features such as woodlots, water bodies, wetlands, high-risk erosion areas, slopes fifteen (15%) percent and over, beach, sand dunes, drainage, and similar features. Where necessary to determine compliance with the Steep Slope Protection Overlay Standards of Section 4.26, more detailed topographic elevations shown at 5-foot intervals.
13. Such other information regarding the development area that may be required to determine conformance with this Ordinance.

SECTION 8.4 PROCEDURES

- A. Submission of Site Plan for Planning Commission Review. The applicant shall provide to the Zoning Administrator seven (7) copies of the proposed Site Plan. The Zoning Administrator or a designated outside reviewer shall review the submittal to determine that all the required information has been provided within a reasonable period of time. If the proposed site plan is found to be incomplete, it shall be returned to the applicant with a list of deficiencies. Upon finding that the Site Plan is complete, the Zoning Administrator shall place the Site Plan on the Planning Commission's next regular or special meeting agenda that is scheduled to be held in no less than fifteen (15) days.
- B. The Planning Commission shall set a public hearing to take place at a future Planning Commission meeting to hear comments on the proposed site plan.
1. The Township shall publish notice of the request and hearing in a newspaper of general circulation in the Township.
 2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 3. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- C. Action. Upon full study and review of the site plan and application, and upon receiving input from outside agencies and if necessary consulting reviewers, the Planning Commission shall disapprove, approve, or approve with conditions the Site Plan. The Planning Commission may also table the application for further study. The Planning Commission may impose conditions in addition to the specific requirements of this Ordinance (See Section 5.6). The Planning Commission may require a performance guarantee (See Section 5.7). Any conditions required by the Planning Commission, together with the reasons for those conditions, shall be provided in writing to the applicant.

SECTION 8.5 STANDARDS FOR GRANTING SITE PLAN APPROVAL. Each Site Plan shall conform to the applicable provisions of this Ordinance (including all use and dimensional standards, parking requirements, setbacks, etc.) and the standards listed below:

- A. Arrangement of Structure. Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse effects on adjacent properties and future users.
- B. Natural Features. Site plans shall be designed to retain as many natural features as possible, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater runoff.
- C. Vehicular and Pedestrian Traffic. Site plans shall fully conform to the driveway and traffic standards of the Michigan Department of Transportation and the Charlevoix County Road Commission. Further, the site shall be designed to protect the safety and convenience of pedestrian and vehicular traffic.
- D. Public Safety. Site plans shall fully conform to any applicable fire safety and emergency vehicle access requirements.
- E. Drainage. Site Plans shall fully conform to the Charlevoix County Drain Commission standards.
- F. Erosion. Site Plans shall fully conform to the standards of the Charlevoix County Soil Erosion and Sedimentation Control Ordinance.
- G. Hazardous Waste Management. Site Plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
- H. Public Health. Site Plans shall fully conform to the requirements of the Michigan Department of Public Health and the Northwest Michigan Community Health Agency. All site plans shall be designed to protect current or future township residents from obnoxious, objectionable, a nuisance or dangerous off-site impacts including, but not limited to, heat, glare, fumes, dust, noise, vibration, and odors.
- I. Statutory Compliance. Site Plans shall fully conform to all applicable state and federal statutes.
- J. Conformance with Township Comprehensive Plan. Site Plans shall fully conform to the land use policies, goals and objectives of the township Master Plan.

SECTION 8.6 SITE PLAN AMENDMENTS.

Site Plan amendments shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner, or his/her authorized agent and the approving body or person.

SECTION 8.7 VALIDITY OF SITE PLAN APPROVAL.

- A. Validity of Approval. An approved Site Plan shall be valid for a period of twelve (12) months from the date of Planning Commission approval. The approval shall expire if a written application for an extension has not been filed prior to the end of twelve (12) months if substantial progress toward completion has not been made.
- B. Extensions. The Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.

ARTICLE 9

NONCONFORMING USES, BUILDINGS, STRUCTURES AND LOTS OF RECORD

SECTION 9.1 PURPOSE:

Nonconformities are uses, buildings, structures or lots that do not conform to one or more of the requirements of this Ordinance, or any subsequent amendment, which were lawfully established prior to the effective date of this Ordinance, or any subsequent amendment. The purpose of this Article is to specify the terms and conditions under which a nonconformity is permitted to continue to exist. A nonconformity that was lawful at the time it was established is permitted to continue to exist. A nonconformity shall not be permitted to continue to exist if it was unlawful at the time it was established. To that end nonconforming uses, buildings, and structures shall be placed into two classifications, a Class A nonconformity and a Class B nonconformity. The purpose of this Article is to reduce or eliminate Class B nonconformities over a period of time, while permitting Class A nonconformities to be used, repaired, replaced and enlarged under less stringent regulations.

Section 9.1 Purpose

SECTION 9.2 NONCONFORMING USE PERMITTED; COMPLETION OF NONCONFORMING BUILDINGS OR STRUCTURES:

- A. If a nonconforming building or structure, a building that contains a nonconforming use, or a nonconforming use of land was lawful at the time of enactment of this Ordinance, or any subsequent amendment, then that nonconformity may be continued although it does not conform to the provisions of this Ordinance, or any subsequent amendment, under the terms and conditions of this Article.
- B. To avoid undue hardship, nothing in this Ordinance is deemed to require a change in the plans, construction, or designated use of a building or structure on which substantial construction has been lawfully begun prior to the effective date of this Ordinance, or any subsequent amendment.

Section 9.2 Nonconforming Use

SECTION 9.3 REGULATIONS PERTAINING TO ALL LEGALLY EXISTING NONCONFORMITIES (CLASS A & CLASS B)

- A. Normal maintenance and incidental repairs, including repair or replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed on any nonconforming building or structure or on any building containing a nonconforming use.
- B. A nonconforming building or structure or a building that contains a nonconforming use which is unsafe or unlawful due to lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition.

Section 9.3 & 9.4 Class A & B Nonconformities

SECTION 9.4 CLASSIFICATION OF NONCONFORMITIES

- A. All nonconforming uses, buildings and structures shall be designated either a Class A nonconformity or a Class B nonconformity. Unless designated a Class A nonconformity under subsection 9.4B, the nonconforming use, building or structure shall be deemed a Class B nonconformity. If a Class B nonconformity is damaged or destroyed, the property owner may seek a Class A designation under subsection 9.4B after such damage or destruction. The Class B nonconformity shall then be judged for the Class A designation on the nonconformity as it existed prior to the damage or destruction.
- B. A property owner who desires that his or her property be designated a Class A nonconformity shall file an application with the Zoning Administrator requesting the designation. The application shall include the names and addresses of all people and legal entities with an interest in the property, the legal description of the property, the facts that establish the standards for approving a Class A designation have been met, and the fee as provided in Section 5.3 of this

Ordinance. After the Zoning Administrator receives a completed application, he or she shall forward the application to the Planning Commission for consideration. The Planning Commission shall hold at least one (1) public hearing on the application. The notice of the public hearing shall be the same as for a special use permit before the Planning Commission. The Planning Commission's decision whether to grant the Class A designation shall be based on written findings of fact made pursuant to the standards contained in subsection 9.4C. The Planning Commission may attach reasonable conditions to a Class A designation to assure compatibility of the nonconforming use, building or structure with the surrounding property uses. The property owner shall receive no vested interest rights in the Class A designation, since that designation may be revoked by the Planning Commission under subsection 9.4D.

- C. The Planning Commission shall grant a Class A designation for a nonconforming use, building, or structure if it finds that all the following standards have been met:
1. The nonconforming use, building, or structure was lawful at the time of its inception
 2. The continuation of the nonconforming use, building or structure will not significantly and adversely affect surrounding properties and will not significantly depress property values in the immediate area.
 3. The nonconforming use, building or structure is not located within a wetland regulated by the State of Michigan.
 4. The nonconforming use, building or structure is not located in the Waterfront Greenbelt as regulated by Section 4.6.A, UNLESS located in either the Village Commercial or Village Mixed Use zoning district and approved under the water quality protection alternatives per Section 4.6B.
 5. The nonconforming use, building, or structure is of economic benefit to the Township.
- D. Upon the filing of a request by the Zoning Administrator or by the Planning Commission's own action, a Class A designation shall be revoked by the Planning Commission following the same procedure required for the initial designation upon a finding that as a result of any change of conditions or circumstances the standards for the Class A designation under subsection 9.3C no longer qualify the nonconforming use, building or structure for the Class A designation.

SECTION 9.5 REGULATIONS CONCERNING CLASS A NONCONFORMITIES

The following regulations shall apply to all Class A nonconforming uses, buildings and structures:

- A. If a nonconforming building or structure or a building that contains a nonconforming use is damaged or destroyed by any means or is removed by the owner, then such nonconforming building or structure may be restored, rebuilt or repaired to its original configuration and on its original footprint.
- B. A nonconforming building or structure or a building that contains a nonconforming use may be enlarged or altered in any way, provided such enlargement does not increase the degree or extent of any nonconformity on both the horizontal and vertical planes.
- C. A nonconforming use shall not be extended to any part of the lot that was not lawfully occupied by such nonconforming use on the effective date of this Ordinance, or any subsequent amendments, unless in conformity with the requirements of this Ordinance. However, a nonconforming use may be extended throughout any part of the building, which was designed for such use, and which existed at the time the use became nonconforming.
- D. A Class A nonconforming use, building or structure may be replaced by another Class A nonconforming use, building, or structure if the Planning Commission finds (following the procedures of subsection 9.4B above), that the new nonconforming use, building or structure qualifies for a Class A designation and the new nonconforming use, building or structure will not increase the extent or intensity of the nonconformity on the property.

SECTION 9.6 REGULATIONS CONCERNING CLASS B NONCONFORMITIES

The following regulations shall apply to all Class B nonconforming uses, buildings and structures:

- A. A Class B nonconforming use, building or structure that is damaged by fire, collapse, explosion, an act of God, or an act of the public enemy following the effective date of this Ordinance, or any subsequent amendment, may be reconstructed, repaired or restored, and resumed under the terms and conditions of this subsection. Except as provided herein, if a nonconforming building or structure can be reconstructed, repaired or restored in complete conformance with this Ordinance, then such complete conformance shall be required. However, if the Planning Commission finds that the cost of complete conformance with this Ordinance would be unreasonable under the circumstances, then the nonconforming building or structure shall be reconstructed, repaired or restored to the greatest degree of conformance found by the Planning Commission to be reasonable. In addition, any such reconstruction, repair and restoration, or resumption shall be completed within thirty-six (36) months following the damage, or other reasonable time as determined by the Planning Commission.
- B. Except for repairs and maintenance authorized under Section 9.3 above, a nonconforming building or structure or a building containing a nonconforming use shall not be enlarged or altered, unless such enlargement or alteration is in complete conformity with the provisions of this Ordinance.
- C. A nonconforming use shall not be extended to any portion of the lot or extended throughout any part of a building in which it is located that was not lawfully occupied by such a nonconforming use on the effective date of this Ordinance, or any subsequent amendments, unless such extension is in complete conformity with the requirements of this Ordinance.
- D. A Class B nonconforming use, building or structure may not be replaced by another Class B nonconforming use, building or structure. However, a Class B nonconforming use, building or structure may be replaced with a Class A nonconforming use, building or structure if the Planning Commission finds, (following the procedures in subsection 9.4B above), that the new nonconforming use, building or structure qualifies for a Class A designation and that the new nonconforming use, building or structure will not increase the extent or intensity of the nonconformity on the property.

SECTION 9.7 CHANGE OF NONCONFORMING USE, BUILDING OR STRUCTURE

If a nonconforming use, building or structure is changed to a more conforming use, building or structure or is replaced by a conforming use, building or structure, the nonconforming use, building or structure shall not revert to its original nonconforming status.

SECTION 9.8 NONCONFORMING LOTS OF RECORD

The following regulations shall apply to nonconforming lots of record.

- A. Except as provided in subsection 9.8B below, any lot which does not meet the dimensional requirements of the district in which it is located may be used for any purpose authorized within that district. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
- B. If two (2) or more contiguous lots, parcels or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth and/or area requirements of this Ordinance, then those contiguous lots, parcels or portions of lots shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth and/or area requirements established by this Ordinance.

SECTION 9.9 ABANDONMENT OF NONCONFORMING USE, BUILDING OR STRUCTURE

If a property owner has an intent to abandon a nonconforming use, building or structure and in fact abandons this nonconforming use or structure for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, building or structure, the zoning administrator shall consider the following factors:

- A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.
- D. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use, building or structure.

ARTICLE 10

DEFINITIONS

SECTION 10.1 DEFINED WORDS AND TERMS. (Amended XX)

For the purpose of this Ordinance certain terms are herein defined.

ACCESSORY BUILDING OR STRUCTURE. A subordinate building or structure on the same premises with a principal use, building or portion of a principal building, except as otherwise permitted in this Ordinance, and occupied by or devoted to an accessory use. However, when attached as an integral part of the principal building, the accessory building or structure shall be considered part of the principal building.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the principal use of the land or building.

AGRICULTURAL USES, BONA FIDE. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm operations on the roadway as authorized by the Michigan motor vehicle code, as amended.
- D. Field preparation and ground and aerial seeding and spraying.
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials or pesticides.
- F. Use of alternative pest management techniques.
- G. The fencing, feeding, watering, sheltering, transportation, treatment, use handling and care of farm animals.
- H. The management, storage, transport, utilization and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.
- J. The employment and use of labor.

AGRICULTURAL RELATED COMMERCIAL ENTERPRISES. An accessory commercial use clearly related to a bona fide agricultural use.

ALL TIME HIGH WATER MARK. The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On Lake Charlevoix the all time high water mark shall be the legally established lake level of 582.3 feet IGLD 1985.

ALTERNATIVE TOWER STRUCTURE. Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANEMOMETER. An instrument for measuring and recording the speed of the wind.

ANEMOMETER TOWER. A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purpose of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

ANTENNA. . Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals, wireless telecommunications signals) or other communication signals.

BASEMENT. That portion of the building which is partly or completely underground and which has most of its floor to ceiling height below grade.

BED AND BREAKFAST INN. A single-family, owner-occupied dwelling in which transient guests are provided a sleeping room and board for compensation as an accessory use of the single-family dwelling.

BILLBOARD. A sign, whether placed individually or on a V-type, back-to-back, or double-faced display, which is intended or used to identify or communicate a noncommercial message such as an idea, belief, or opinion or a commercial message related to an activity conducted, a service rendered, or a commodity sold at a location different than the property on which the billboard is located. However, a billboard shall not include a tourist-oriented directional sign for which a permit has been issued by the Michigan Department of Transportation pursuant to Public Act 299 of the Public Acts of 1996, as amended.

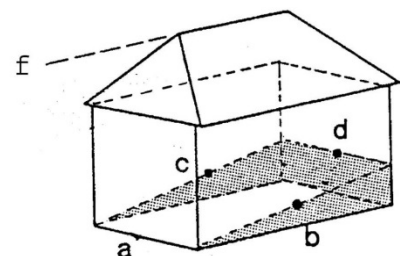
BOAT. For purposes of this Ordinance, a boat shall include all motorized watercraft (or any moored or docked sailboat greater than twelve (12) feet in length). A boat shall not include windsurfers, inflatable craft (unless it is motorized), non-motorized canoes and kayaks. Further, one personal watercraft or “jet ski” shall be equal to ½ boat; and one sea plane shall be equal to one boat for the purpose of calculating number of boats.

BOAT PARKING SPACE. A docking space, slip, marina space, mooring, hoist, or any other in-water location designed and used to accommodate a boat.

BUILDING. Any structure either temporary or permanent, having a roof and used for or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall not include tents, awnings, vehicles, whether mounted or not on wheels and situated on private property and used for the purpose of a building.

BUILDING FOOTPRINT. The boundaries on a lot, parcel or condominium unit in which the principal building or structure intended for or constructed together with any attached or detached accessory buildings are sited.

BUILDING HEIGHT. The vertical distance from the peak of the roof to the average finished grade. When the terrain is sloping, the height shall be computed averaging the high point and low point of the finished grade at the building wall, (see Figure). No portion of the structure’s roof (except chimneys and cupolas), may exceed the maximum height allowed in the specific District regulations.



a = low point at bldg wall d=high point at bldg wall
 Average Grade: $(a+d)/2 = e$
 Height = f (elevation at peak) – e (average grade)

BUILDING LINE. A line paralleling the front lot line drawn through that part of the principal building foundation closest to the front lot line.

CAMPGROUND/SEASONAL TRAILER PARK. "Campground" means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. "Seasonal mobile home park" means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

CONDOMINIUM UNIT OR SITE CONDOMINIUM UNIT. That portion of a condominium project or site condominium subdivision developed in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended, which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, used as a timeshare unit, or any other type of use.

CONTIGUOUS LAND HOLDING. Any property directly abutting and sharing a property line with any portion of an adjacent property on which a development project is proposed, but shall not include properties located across the street or abutting only at a point.

COTTAGE INDUSTRIES. See Home Business, Cottage Industry.

DENSITY. The total number of dwellings divided by the gross parcel area of a residential development.

DEPENDANT CARE FACILITIES. Includes Adult Foster Care, Nursing Homes, and Assisted Living Facilities providing supervision, personal care, and protection for persons who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an on-going basis and are provided with room and board for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

DOCK. A structure extending from the land into the water for the purpose of access into the water.

DWELLING. A single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation.

DWELLING, SINGLE-FAMILY. A building, or portion thereof, containing one (1) dwelling designed exclusively for occupancy by one (1) family.

DWELLING, MULTIPLE FAMILY. A building, or portion thereof, containing two (2) or more dwellings designed exclusively for occupancy by two (2) or more families living independently of each other.

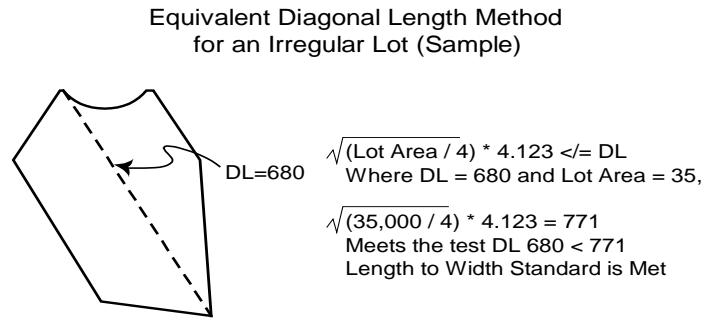
ERECTED. Includes built, constructed, reconstructed, moved upon, or any physical operation on the land required for the structure. Excavations, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES. Essential services shall mean the erection, construction, alteration, maintenance, and operation by public utilities, municipal departments or commissions, of underground or

overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, and hydrants reasonably necessary for the furnishing of utility service. Essential services do not include telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers.

EROSION. The wearing away of the land by the action of gravity, ice, water, wind, or other geological agents.

EQUIVALENT DIAGONAL LENGTH. The square root of (Lot Area/4) x 4.123 shall be less than or equal to DL, where DL is the shortest interior distance between the two most distant points of the lot.



EXCAVATION OR CUT. Any act by which soil or rock is cut into, blasted, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

FAMILY. An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a permanent and distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities. A family, however, shall not include any society, club, fraternity, sorority, association, lodge, or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

FARM. All of the unplatted, contiguous, neighboring or associated land operated as a single unit on which bona fide agricultural uses are 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, 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, the disposal of garbage, sewage, rubbish, junk or offal, shall not constitute a farm hereunder.

FARM BUILDING. 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 pursuit of their agricultural activity.

FARM STAND. A frame structure used or intended to be used solely by the owner or tenant of the farm on which it is located, selling only seasonable farm products of the immediate locality on which such roadside farm stand is located.

FLOOR AREA. The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandahs, garages, unfinished attics, attic floor areas with less than five (5) vertical feet from floor to finished ceiling, and all basements, including walkout basements, are excluded.

FLOODPLAINS, FLOODWAYS. That area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

FOREGROUND MEADOWS. In a conservation subdivision, a treeless grassy area located between the main (off-site) highway and the residentially developed portion of the site.

GRADING. Any stripping, excavating, filling, stockpiling, or any combination.

GROSS SITE AREA: All horizontal land area within the property lines of the proposed development, to be measured along the all time high water level (for Lake Charlevoix this is 582.35 feet International Great Lakes Datum 1985) for a parcel fronting any water body. Gross site area shall not include off site, non-contiguous land holdings.

GROUND COVER. Low-growing plants (herbaceous plants, grasses and shrubs) that form a dense, extensive growth and tend to prevent soil erosion.

GROUND SIGN. Any free-standing, pole-mounted, pylon-mounted, or monument style advertising sign permanently installed in the ground.

HAZARD TREE. A tree, or portion of a tree, that has an increased likelihood of failure caused by a structural defect within the tree or its root system, including but not limited to decay, wind damage, lightning, disease, or physical damage cause by being struck by another tree or object or by any malicious act against the tree

HIGHWAY. Any public thoroughfare, road or street, except alleys, including Charlevoix County, Federal and State roads and highways.

HOME BUSINESS. A profession or occupation, or trade that is accessory to a principal residential use conducted within a dwelling or residential accessory building. Home businesses fall into two classifications defined below:

HOME OCCUPATIONS: An activity conducted entirely within a dwelling that does not involve retail sales, except for items that are incidental to services provided or performed on site and for items produced by the home occupation, which is clearly secondary to the residential use and carried out for economic gain.

COTTAGE INDUSTRY: An activity conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by Section 4.30.

HOME OCCUPATION. See Home Business, Home Occupation.

IMPERVIOUS AREA. Those surfaces, such as paved or gravel driveways, parking areas, or roads which prevent the infiltration of water into the soil.

KENNELS. The keeping or harboring, on a temporary or permanent basis, of more than three dogs, four (4) months or older, or are kept for the purpose of breeding or selling.

LOT AREA The total horizontal area within the lot lines of a lot.

LOT, CORNER. A lot located at the intersection of two (2) public or private roads, or a lot bounded on two (2) sides by a curving public or private road, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

LOT COVERAGE. The percentage (%) of the property covered by buildings, driveways, sidewalks, parking areas, loading docks, or other structures or other impervious surfaces which impede the free infiltration of water.

LOT DEPTH. The distance measured from the front line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth shall be measured by drawing imaginary lines from the front lot line to the rear lot line perpendicular to the front lot line at ten (10) foot intervals and averaging the length of these imaginary lines.

LOT, INTERIOR. A lot other than a corner lot with only one (1) lot line fronting on a public or private road.

LOT OR PARCEL. A piece of land described either by metes and bounds or by reference to a recorded plat, or a site condominium unit created in a recorded master deed, occupied or to be occupied by a use of building and its accessory buildings or structures together with such open spaces, minimum area, width, and depth as required by this Ordinance for the zoning district in which it is located.

LOT LINES. The front, rear, and side property lines as defined in this Ordinance bounding a lot, or two or more lots used as one development site.

LOT LINE, FRONT. In the case of a corner lot or through lot, it is the line separating the lot from the abutting public or private road right-of-way. In the case of an interior lot, it is the line separating the lot from the abutting public or private road right-of-way. In the case of a waterfront lot, it is the All Time High Water Mark or shoreline.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of a lot irregularly shaped at the rear, it is an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE. A lot line other than a front lot line or a rear lot line. A side lot line separating a lot from an abutting public or private road right-of-way is a street side lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD. A lot defined by a legal description and recorded in the office of the Charlevoix County Register of Deeds Office on or before the effective date of this Ordinance, or any amendments of this Ordinance.

LOT, THROUGH. Any interior lot having frontage on two (2) more or less parallel public or private roads.

LOT, WATERFRONT. A lot having a lot line abutting the shore of a lake or river.

LOT WIDTH. The shortest distance between the side lot lines measured at the front setback line.

MARINA, COMMERCIAL: A facility located on a body of water that provides docking, storage, maintenance and other facilities for boats. Slips may be rented, leased, or sold on a transient, short term, or long term basis to the general public.

MARINA, PRIVATE: A facility located on a body of water that provides docking, storage, maintenance and other facilities for boats. Usage of the facility is limited to the residential property owners in the associated development, their guests, and tenants.

MASTER PARCEL. A single lot, or two or more adjacent lots, under the same ownership, lawfully in existence on the effective date of this Ordinance.

MINI WAREHOUSING. A commercial venture which rents individual cubes of space for storage purposes. Individuals typically have joint access to the lot but possess individual access and keys to their respective units. Also known as self storage units.

MOBILE HOME. A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a single-family dwelling, but which is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

MOBILE HOME PARK. A parcel of land which has been planned and improved for the placement of two or more mobile homes for residential dwelling use.

MODERATE SLOPES. Those soil mapping units in the Soil Survey of Charlevoix County other than Primary Conservation Areas, with slopes ranging from 12% to 18%. The following soil mapping units are included in this definition: EmD, EoD, KaD, and LdD.

NONCOMMERCIAL WIND TURBINE GENERATOR. A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

NONCONFORMING LOTS OF RECORD. A lot which lawfully existed on the effective date of this Ordinance or lawfully exists on the effective date of any amendment to this Ordinance that is applicable to the lot and which fails to conform to the dimensional regulations of the zoning district in which it is located.

NONCONFORMING STRUCTURE. Any structure or portion thereof lawfully existing on the effective date of this Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendments thereto with the dimensional restrictions of the district in which it is situated.

NONCONFORMING USE. The use of land or the use of any building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto which does not conform after the

passage of this Ordinance or amendments thereto which does not conform to the use regulations of the zoning district in which it is located.

PLACE OF WORSHIP. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory building and uses customarily associated with such primary buildings.

PLANNING COMMISSION. The Planning Commission of Eveline Township.

PRINCIPAL BUILDING. The main building on land devoted to a principal use.

PRINCIPAL USE. The main, lawful purpose for which land is arranged, designed, or intended or for which land is or may be occupied according to this Ordinance.

REMAINING PARCEL. That portion of a Master Parcel remaining after Sublots have been split from it.

RESIDENTIAL CARE FACILITIES.

A. **Child Care Organization.** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

1. Foster family home is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days in a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
2. Foster family group home means a private home in which more than four (4) but fewer than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
3. Family day care home means a private home in which at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
4. Group day care home means a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

B. **Adult Foster Care.** A facility for the care of adults, 18 years of age and over, as licensed and regulated by the State of Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations shall be defined as follows:

1. Adult foster care facility means a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
2. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or a residential center for persons released from or assigned to a correctional facility.
3. Adult foster care family home means a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ROAD, PRIVATE. Any road which is privately constructed and has not been accepted for maintenance by the Charlevoix County Road Commission, State of Michigan, or federal government, but which meets the requirements of this Ordinance.

ROAD, PUBLIC. Any road which has been dedicated to and accepted for maintenance by the Charlevoix County Road Commission, State of Michigan, or federal government.

SAND AND GRAVEL MINING. The removal of soil, sand, topsoil, or other material from the land over five hundred (500) cubic yards.

SANDWICH BOARD SIGN. An informational sign usually consisting of two sign faces hinged at the top. Sandwich board signs are not permanently attached to the ground and often include a changeable message area advertising a sale or special products. Sandwich board signs are also known as “tent signs”.

SENIOR HOUSING. A building or group of buildings containing dwelling units where the occupancy is restricted by age, commonly being age 60, by the housing management.

SETBACK. The minimum horizontal distance from an applicable lot line within which no building, structure or part thereof (by any name) shall be allowed, excluding sidewalks and driveway crossing, and except as otherwise provided in this Ordinance.

SETBACK, FRONT. The required setback measured from the front lot line.

SETBACK, REAR. The required setback measured from the rear lot line.

SETBACK, SIDE. The required setback measured from the side lot line.

SHORELINE. The all time high water level (582.35 feet International Great Lakes Datum 1985 for Lake Charlevoix) or, in the case of a stream or river, the observed edge of the shoreline.

SHRUB. A small to medium-sized woody plant, usually several-stemmed woody plants and at maturity is under twenty (20) feet tall.

SIGN. Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a message, idea, product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting,

banner, pennant, placard, balloon or temporary sign designed to advertise, identify or convey information. (See also BILLBOARD, GROUND SIGN, and SIGN AREA)

SIGN AREA. A single area fully encompassing the message on a sign including all lettering, pictures, messages, and logos. Sign area shall not include the sign supports or structures unless it is clearly part of the message or logo.

SINGLE LOADED ROAD. In a conservation subdivision, a road with homes fronting on only one side.

SLOPE. The deviation of a surface from the horizontal, expressed in percent (rise divided by run), in degrees, or as a ratio (rise:run).

STREAM. A channel with a definite bank, a bed, and visible evidence of a continued flow or continued occurrence of water.

STRUCTURE. Any production or pieces of work artificially built up or composed of parts joined together in some definite manner, and construction, including but not limited to: decks, dwellings, porches, garages, buildings, roadways, parking lots, sanitary systems, signs, signboards, satellite dishes, and antennas

SUBLOT. A parcel of land less than Twenty-five (25) acres in area, created from a Master Parcel.

SUBPARCEL. A parcel of land Twenty-five (25) acres or greater in area created from a Master Parcel or Remaining Parcel.

TELECOMMUNICATION TOWERS AND FACILITIES OR TOWERS. All structures and accessory facilities, including Alternative Tower Structures, relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers.

Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

TOWNSHIP. Eveline Township, Charlevoix County Michigan.

TOWNSHIP BOARD. The elected Township Board of Eveline Township comprised of a Supervisor, Clerk, Treasurer, and two trustees.

TRADE SCHOOL. A school providing vocational education to adults or high school students, also sometimes referred to as a vocational school or career college, operated for the express purpose of giving its students the skills needed to perform a certain job or jobs.

TREE. A woody plant with an erect perennial trunk(s), which at maturity is twenty (20) feet or more in height and has a more or less definite crown or foliage.

UNDERSTORY VEGETATION. The vegetative layer, including herbaceous perennials, grasses, trees and shrubs, between the forest canopy and the ground cover.

VARIANCE OR DIMENSIONAL VARIANCE. A modification to the dimensional regulations of this Ordinance.

VEGETATION. Refers to plant life in general, such as shrubs and ground cover, within protected woodland areas.

VIEW CORRIDOR. The line of sight (identified as to height, width, and distance) of an observer looking toward an object of significance to the community (e.g., ridgeline, lake, river, historic building, etc.)

VIEW SHEDS. An area composed of land, water, biotic, and cultural elements which may be viewed from the roadway and which has inherent scenic qualities and/or aesthetic values as determined by those who view it.

WATERFRONT GREEN BELT. That area along any land abutting on lakes, rivers, or streams for a depth of fifty (50) feet from the All Time High Water Mark or observed shoreline on rivers or streams.

WETLANDS. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

WIND TURBINE GENERATOR. A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted: Sections 10.1- 10.2

- A. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy
- B. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device/
- C. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIND TURBINE GENERATOR TOWER HEIGHT.

- A. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
- B. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator.

YARD. The space between the principal building, excluding steps and unenclosed porches, and a lot line.

YARD, FRONT. The yard between the principal building and front lot line extending across the entire width of the lot.

YARD, REAR. A yard between the principal building and the rear lot line extending across the entire width of the lot.

YARD, SIDE. A yard between the principal building and the side lot line extending between the front yard and the rear yard.

ZONING ADMINISTRATOR. The Zoning Administrator of Eveline Township.

ZONING BOARD OF APPEALS. The Zoning Board of Appeals of Eveline Township.

SECTION 10.2 WORDS REQUIRING SPECIAL INTERPRETATION

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 directed. Whenever the word "owner" appears it is to be interpreted as including: the owner, his agent, or the lessee, as the case may be.

EVELINE TOWNSHIP
Ordinance No. 1208 of 2009

AN ORDINANCE TO CREATE A TOWNSHIP PLANNING
COMMISSION PURSUANT TO ACT 33 OF THE PUBLIC ACTS
OF 2008, AS AMENDED, TO PROVIDE FOR ITS
ORGANIZATION, AND TO DEFINE ITS POWERS AND DUTIES

THE TOWNSHIP OF EVELINE ORDAINS:

Section 1. Creation of Township Planning Commission; Name of Planning Commission

A township planning commission is hereby created for Eveline Township pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended. This planning commission shall be known as the "Eveline Township Planning Commission."

Section 2. Membership; Appointment; Compensation; Terms; Removal; Vacancy.

- (a). The township planning commission shall consist of five (5) members. One (1) member shall be a member of the township board as an *ex officio* member with full voting rights on the planning commission. An employee of the township, however, shall not be eligible to be a member of the township planning commission. Members of the township planning commission shall be qualified electors of the township, except one (1) member may be an individual who is not a qualified elector of the township. In addition, members of the township planning commission shall be representative of the entire geography of the township to the extent practicable and shall be representative of important segments of the township, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- (b). All members of the township planning commission shall be appointed by the township supervisor, subject to the approval by a majority vote of the entire township board.
- (c). All appointed members of the township planning commission may be compensated at a rate to be determined by the township board.
- (d). Except for the *ex officio* member, the term of each appointed member shall be three (3) years or until his or her successor is appointed, except that the respective terms of one (1) of the members first appointed shall be for one (1) year and the respective terms of two (2) of the members first appointed shall be for two (2) years. The term of the *ex officio* member shall expire with his or her term of office on the township board.
- (e). After written charges and a public hearing before the township board, a member of the township planning commission, including the *ex officio* member, may be removed from office for misfeasance, malfeasance, or nonfeasance in office by the township board. The failure of a planning commission member to disclose to the planning commission a potential conflict of interest, as defined in Section 5 of this Ordinance, shall constitute malfeasance in office. The failure of a planning commission member to regularly attend scheduled meetings of the planning commission shall constitute nonfeasance in office.

The planning commission secretary shall report to the township board when a planning commission member has failed to attend three (3) consecutive planning commission meetings.

- (f). A vacancy on the township planning commission occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.

Section 3. Organization; Chairperson, Secretary, and Other Officers; Committees; Meetings; Rules; Records.

- (a). The township planning commission shall elect a chairperson and secretary from its members; provided, however, the *ex officio* member shall not be eligible to serve as the chairperson of the planning commission. The planning commission may create and fill by election such other offices as it considers advisable. The term of chairperson and any other officers shall be one (1) year, with eligibility for reelection as specified in the planning commission bylaws.
- (b). The planning commission may appoint advisory committees, whose members are not required to be members of the planning commission.
- (c). The township planning commission shall hold not less than four (4) regular meetings each year and shall by resolution determine the time and place of the meetings.
- (d). The township planning commission shall adopt bylaws for the transaction of its business.
- (e). The township planning commission shall keep a public record of its resolutions, transactions, findings, and determinations.

Section 4. Powers and duties.

- (a). The township planning commission shall have all powers authorized by, and shall perform all duties specified in, the Michigan Planning Enabling Act, being Act 33 of the Public Acts of 2008, as amended.
- (b). The township planning commission shall have all the powers and duties conferred on zoning commissions under the Michigan Zoning Enabling Act, being Act 110 of the Public Acts of 2006, as amended, and any other powers and duties conferred on planning commissions by other provisions of law. Any and all such powers and duties are hereby conferred and incorporated as if fully set forth herein.

Section 5. Conflict of Interest.

A member of the township planning commission shall declare a conflict of interest in connection with a matter pending before the planning commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- (a). The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the planning commission member or the member's spouse.

- (b). The planning commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- (c). The planning commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- (d). While being a member of the planning commission the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter currently before the planning commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
- (e). If the planning commission member has expressed an opinion concerning a matter before the planning commission prior to becoming a member of the planning commission and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.
- (f). The planning commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

Section 6. Planning Director and Personnel; Contract for Planning Services and other Technicians.

- (a). The township board may employ a planning director and other personnel as it considers necessary to assist the township planning commission in carrying out its powers and duties.
- (b). The township board may contract for professional planning services and other technical services, such as attorneys and engineers, as it considers necessary to assist the township planning commission in carrying out its powers and duties.

Section 7. Notification to County Planning Commission.

Within fourteen (14) days after the township board adopts this Ordinance the township clerk shall transmit a notice of the adoption of this Ordinance to the county planning commission.

Section 8. Savings Clause.

All official actions taken by the township planning commission prior to the effective date of this Ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place on the effective date of this Ordinance shall continue with the township planning commission created by this Ordinance, shall be subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous township planning commission action.

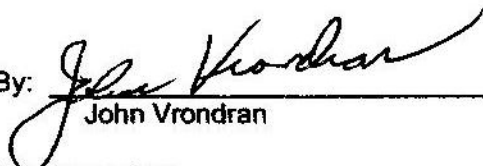
Section 9. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 10. Effective Date.

This Ordinance shall become effective sixty-three (63) days after being published in a newspaper of general circulation within the township.


EVELINE TOWNSHIP

By: 
John Vron dran
Its: Supervisor

By: 
Michelle Johnson
Its: Clerk

Ordinance No. 12081 of 2009 was adopted on the 8th day of December, 2009, by the Eveline Township Board as follows:

Motion by: Chapman
Seconded by: Baiko
Yeas: 5
Nays: 0
Absent: 0


Michelle Johnson, Clerk

EVELINE TOWNSHIP
Resolution No. 1208 of 2009

At a regular meeting of the Eveline Township Board held in the Eveline Township Hall located at 08525 Ferry Road, East Jordan, Michigan 49727, on December 8, 2009.

PRESENT: Eric Beishlag, Diane Baiko, John Vrandran
Ron Chapman, Michelle Johnson
ABSENT: None

The following resolution was made by Ron Chapman and seconded by Diane Baiko, to-wit:

Recitals

WHEREAS, the Township previously created a planning commission by resolution under the provisions of the Township Planning Act, Act 168 of the Public Acts of 1959, as amended;

WHEREAS, the Township has created a new planning commission by ordinance under the provisions of the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008; and

WHEREAS, the Township desires to dissolve the old planning commission effective on the day the new planning commission ordinance becomes effective.

Resolution

NOW, THEREFORE, BE IT RESOLVED that the Eveline Township Board hereby dissolves the planning commission created by resolution under the provisions of the Township Planning Act, Act 168 of the Public Acts of 1959, as amended.

BE IT FURTHER RESOLVED that this resolution shall be effective on the day the new planning commission ordinance enacted under the provisions of the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, becomes effective.


RESOLUTION DECLARED ADOPTED.

EVELINE TOWNSHIP

By: John Vrandran
John Vrandran, Supervisor

I, the undersigned, the Clerk of the Township of Eveline, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality at its regular meeting held on December 8, 2009, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: 12/8/09



Michelle Johnson, Clerk

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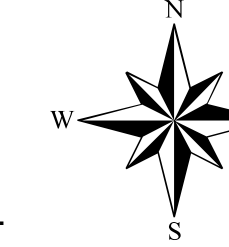
EVELINE TOWNSHIP ZONING MAP

EFFECTIVE 06/09/2016



Charlevoix County
Equalization Department
301 State Street, Charlevoix, MI 49720
231-547-7230

This map is to be used as a reference only. It is not an authority on the zoning of Eveline Township properties. Zoning should be confirmed with the township zoning administrator. It is not survey quality and cannot be used to replace an actual survey.



MAP LAYERS

- Section Lines
- Rivers
- Roads
- 2016 Parcels
- Lakes

ZONING DISTRICTS

- Rural Residential
- Village Commercial
- Village Mixed Use
- Commercial Recreation
- Government/Utility
- Farm-Forest 2
- Farm-Forest
- Single Family Residential

