

RECORD OF ORDINANCES

ORDINANCE NO. 22

Township of EVANGELINE County of CHARLEVOIX

Ordinance No. 22 enacted by the Board MARCH 1, 1999

Published: MARCH 10, 1999, within 10 days after enactment.

Effective MARCH 17, 1999.

Record of votes of Board Members:

	(Yes or No)		(Yes or No.)
<u>KIDD</u>	<u>(Y)</u>	<u>ADAMS</u>	<u>(Y)</u>
<u>LORY</u>	<u>(Y)</u>	<u>CORTRIGHT</u>	<u>(Y)</u>
<u>SHIELDS</u>	<u>(Y)</u>		<u>()</u>

I CERTIFY that publication was made on MARCH 10, 1999 within 10 days after enactment of ordinance.

Signed: [Signature], Township Clerk

THE TOWNSHIP OF EVANGELINE ORDAINS,

REFER TO FOLLOWING PAGES...

ADOPTED, WITH EXCEPTIONS, 2/8/1999
FINAL ADOPTION 3/1/1999

Signed _____ Supervisor [Signature] Clerk

**EVANGELINE TOWNSHIP
ORDINANCE NO. 22 OF 1999**

AMENDMENTS TO THE EVANGELINE TOWNSHIP ZONING ORDINANCE DEFINING CERTAIN TERMS, REGULATING THE DIVISION OF LAND, AMENDING THE RURAL RESIDENTIAL/FARM FOREST ZONING DISTRICT AND AMENDING THE WATERFRONT OVERLAY DISTRICT.

THE TOWNSHIP OF EVANGELINE ORDAINS:

Section 1. Title of Amendment

This Ordinance shall be known as Ordinance No. 22 of 1999, amending the Evangeline Township Zoning Ordinance.

Section 2. Amendment of Section 2.01 A.

Section 2.01 A. of the Evangeline Township Zoning Ordinance is hereby amended to add or change the following definitions to that section:

28. **Home Occupations:** A home occupation means an occupation that is clearly secondary to the use of the premises and the structure as a residence, carried on completely within a structure on a premises when all of the following are met:
- (a) The occupation employs not more than three (3) employees, two (2) of which must reside on the premises;
 - (b) The occupation does not cause increased traffic flow and does not create offensive noise, odors, light, pollution of other types, or other wise creates a nuisance, in the surrounding neighborhood;
 - (c) No interior or exterior alterations are made to the structure within which the occupation will be conducted;
 - (d) If located in a dwelling, the occupation occupies not more than twenty-five (25%) percent of the floor area of the dwelling;
 - (e) If located in the garage portion of a building or in any accessory structure, the occupation complies with both of the following:
 - (1) No material associated with the occupation is stored outside; and,
 - (2) The accessory structure or garage is located on the same parcel of land as the primary structure;
 - (f) The signage for the occupation complies with the requirements of Section 5.07 of this ordinance.
- 28a. **Important Farmlands:** Those soil mapping units identified in the Soil Survey of Charlevoix County of 1973 which, with proper conservation practices, are capable of producing food, forage, fiber, and oilseed crops at a level similar to Prime Farmlands. The following soil mapping units are included in this definition: EmC & NsC.
- 41a. **Moderate to Steep Slope Areas:** Those soil mapping units in the Soil Survey of Charlevoix County of 1973 with slopes of 12% to 25%. The following soil mapping units are included in this definition: BaE, B1D, EnD, EnE, KaD, KaE, LdD, LdE, McD, McE, NsD & NsE
- 43a. **Other Prime Timberland Soils:** Those soil mapping units in the Soil Survey of Charlevoix County of 1973 other than Primary Conservation Areas, Prime or Important Farmlands, Other Poorly Drained Areas, and Moderate to Steep Slope Areas, which are capable of annually producing at least 85 cubic feet of timber per acre. The following soil mapping units are included in this definition: B1B, B1C, EaB, EaC, EnB, EnC, KaB, KaC, LrB, LrC, McB, McC, MnB & MnC.

- 43b. Other Poorly Drained Areas: Those soil mapping units in the Soil Survey of Charlevoix County of 1973 other than Primary Conservation with seasonal high water tables within 1.0 to 3.0 feet of the surface. The following soil mapping units are included in this definition: ArA, AuA, BwB, CmB, CrA, GIB, IIB, KnC, OtB & SaB.
44. Pre-existing Parcel: Any lot, parcel or site condominium unit from which other lots, parcels or site condominium units are created from. Pre-existing parcels are those which are legally in existence as of July 1992, the effective date of this ordinance. (Note: a series or combination of adjacent lots, parcels or site condominium units under common ownership shall be considered as a single pre-existing parcel):
- 45a. Pre-existing slope: The slope of the land prior to any excavation, at the time of the adoption of this amendment. The pre-existing slope shall be determined by referencing the Charlevoix County Soil Survey of 1973, unless a topographic survey is required, according to other sections of this Ordinance.
- 45b. Primary Conservation Areas: Includes all areas within 100 feet of a lake, river, or stream and those soil mapping units in the Soil Survey of Charlevoix County of 1973: 1) classified by the Natural Resources Conservation Service as "hydric." This includes soil mapping units: An, Be, Bv, Ca, Cc, Ep, Kr, Ls, Rc & Ta; 2) Soil mapping units with slopes of 25% or greater. Soil mapping units AgF, BIF, EnF, KaF, LdF, LrF & McF are included in this definition.
- 45c. Prime Farmlands: Those soil mapping units identified in the Soil Survey of Charlevoix County of 1973 which have the best combination of physical and chemical characteristics for producing food, forage, fiber, and oilseed crops on a national basis. The following soil mapping units are included in this definition: EmB
- 49a. Remaining Parcel: That portion of a pre-existing parcel/tract or subparcel remaining after Sublots have been split from it according to Section 4.08 F.3. of this Ordinance.
- 53a. Secondary Conservation Areas: Those natural feature areas other than Primary Conservation Areas which are important on a national and regional basis for sustainable community and economic development. They include Prime and Important Farmlands, Other Poorly Drained Areas, Areas of Moderate to Steep Slopes and Other Prime Timberland Soils.

Section 3. Amendment of Section 3.08

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

Section 3.08 - Placement of Structures

- A. No structure shall be placed in an area where the pre-existing slope, within the building envelope, is greater than twenty five (25%) percent, unless specifically permitted elsewhere within this Ordinance. If, on any lot, site condominium site, or parcel of land, no area exists where the pre-existing slope is less than twenty five percent (25%), that is of sufficient size to meet the minimum square footage requirements, the zoning board of appeals may consider granting a variance, based on the conditions and standards in section 12.05 A. 3. a. of this Ordinance.

Section 4. Amendment of Section 4.08 - Rural Residential/Farm Forest

Section 4.08 of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

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

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

Section 4.08(b) - Statement of Purpose

- A. This district is established to achieve the following goals through flexible, innovative regulation as outlined in this Ordinance:
1. To recognize and promote a pattern of development which will allow future development to occur while simultaneously preserving the open space and rural character within Evangeline Township.
 2. To insure those land areas within Evangeline Township which due to soils, climate and topography are well suited for production of food, feed or fiber, are retained for such production unimpeded by the establishment of incompatible uses which would hinder farm and forestry operations and irretrievably deplete agricultural and forest lands.
 3. To preserve woodlands, wetlands and steep slopes, which because of their natural physical features, are useful as water retention areas, water filtration areas, buffering systems for other water bodies and groundwater recharge areas. These areas also serve as habitat for plant and wildlife.
 4. It is further the purpose of this district to:
 - a. protect existing public investment in infrastructure (especially public roads);
 - b. prevent a density of housing so great that new infrastructure and public services are needed;
 - c. insure the adequacy and serviceability of private roads.
- B. Inclusion of areas in the Rural Residential\Farm Forest District boundaries are based on:
1. An analysis of soils that identified those areas especially well suited for farming and forestry as classified by the U.S.D.A. Natural Resources Conservation Service or the Prime Timberlands Inventory conducted by the Northwest Michigan Resource Development and Conservation District;
 2. Such factors as the existence of substantial agricultural land use or forest cover, existing investment in agriculture and forestry, the extent of and proximity to non farm development, the average size of existing parcels and the minimum acreage needed for economic farming and forestry operations.

Section 4.08(c) - Permitted Uses

A. The following uses of land are permitted in this district:

1. Farms, including both general and specialized farming operations devoted to the production of food, feed or fiber.
2. Conservation areas for fauna and flora.
3. Farm dwelling units and other farm buildings.
4. Farm drainage and irrigation systems.
5. Forest preserves.
6. Game refuges.
7. Historic sites and structures.
8. Single family detached non-farm dwelling units.
9. Timber-cutting for public safety, personal noncommercial use, or commercial use.
10. Transmission and distribution lines, and pipelines of public utility companies.
11. Uses customarily accessory to farm operations (this shall include seasonal farm market stands selling items produced on the farm).
12. Where area and setback requirements permit, uses and structures customarily accessory to single family dwellings.
13. Home occupations as allowed by provisions of this Ordinance.
14. On site and off site septic systems.
15. Noncommercial recreation facilities.
16. Public and Private Road rights-of-way.

Section 4.08(d) - Development Standards

A. Site development standards shall apply to all uses, except as otherwise may be noted.

1. Maximum Building Envelope Coverage

- a. The maximum building envelope coverage for sublots and other lots 3 acres or less in area shall be 25% of lot area up to a maximum of 10,000 square feet.

b. The maximum building envelope coverage for all other lots shall be 20,000 square feet (Farm buildings, as defined, are excluded from this figure).

2. Minimum Building Envelope Setbacks (*For sublots created under the Planned Unit Development Option, outlined in Section 4.08 F. 3., the following setbacks can be reduced by 50% at the request of the applicant).

- Frontyard 50 feet *
- Sideyard 20 feet *
- Corner lot 50 feet*
- Rearyard 50 feet*
- Waterfront 100 feet
- Public road 50 feet from the road right-of-way

3. Maximum Stories and Building/Structure Height - The maximum stories and building/structure height, except as otherwise noted in this Ordinance, shall be 2 ½ stories (excluding walkout basements) or 35 feet (43 feet for structures with walkout basements)) whichever is less. Height restrictions in this Article do not apply to Telecommunication Towers and Alternative Tower Structures located in accordance with this Ordinance. .

4. Maximum Number of Dwelling Units/lot - The maximum number of dwelling units/lot shall be one per legally created lot, except as otherwise allowed in this District.

5. Minimum Floor Area/Dwelling Unit - The minimum floor area/dwelling unit shall be 600 square feet per dwelling unit, except where otherwise allowed in this District.

6. Minimum Dwelling Unit Exterior Wall Dimensions - The minimum dwelling unit exterior wall dimensions shall be 20 feet, except as otherwise noted.

7. Minimum Dwelling Unit Foundation Standards - All dwelling units shall have no exposed wheels or chassis. Dwelling units shall be firmly attached to a fully enclosed basement or crawl space constructed of poured concrete, cement block or pressure treated timber or to a reinforced concrete slab.

B. The following qualifications and exceptions also apply to the RRF-1 Zoning District:

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

2. Lines and structures within existing public rights-of-way (not including buildings or towers) of public utility companies regulated by the Michigan Public Service Commission shall be exempt from the area, placement, and height restrictions of this Section.

3. For areas where building sites will be created, soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the local sanitary code.

4. Access to public roads shall meet the Zoning Ordinance requirements as well as the Private Road Ordinance requirements, if applicable.
5. Accessory buildings, accessory structures and accessory uses to nonfarm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling unit if they conform with setbacks.
6. Building envelopes on newly created sublots and subparcels shall be located in areas mapped in the Soil Survey of Charlevoix County as being non-hydric (non-wetland) soils with slopes of 25% or less. For building envelopes located on slopes between 12% and 25% a Stormwater Plan approved by the Soil Erosion Control Officer must also be submitted. The Stormwater Plan shall conform to the Charlevoix County Soil Erosion Sedimentation and Stormwater runoff Control Ordinance. In addition, with the approval of the Zoning Administrator, building envelopes may also be located at the base of slopes in areas mapped with slopes 33% or less, if said slope bases are immediately adjacent (within 100 feet) to areas mapped with slopes of 12% or less. (Note: Under certain conditions, building envelopes may also be allowed as a minor special land use in areas mapped with slopes 33% or greater. See Section 4.08 (h) for details.).

Section 4.08(e) - Lot Creation Standards

- A. **Maximum Lot Width to Depth Ratio** - Unless otherwise specified, the maximum lot width to depth ratio shall be 1:4 for newly created sublots or subparcels. For irregular shaped lots (those lots which are not square or rectangular in shape), the maximum depth shall be determined by measuring the shortest interior distance between the two most distance points on the lot. The maximum length of this distance shall be equal to or less than the maximum straight line distance for a rectangular lot of the same area with a 1:4 width to depth ratio.
- B. **Minimum Sublot Public Road Frontage Requirement** - In order to minimize new road front strip development, except as noted below, the minimum public road frontage requirement for any newly created Sublot without a currently existing residential structure shall be 500 feet (350 feet for sublots with existing residential structures).

Note: There shall be no public road frontage requirement for newly created sublots where both of the following conditions exist;

1. The sublot building envelope shall be setback a minimum of 250 feet from any existing public road, and;
 2. The sublot building envelope shall not access a public road directly but rather shall do so through a common drive or private road servicing or designed to service one or more other parcels.
- C. **Minimum Common Drive or Private Road Frontage Requirements** - The minimum common drive or private road frontage shall be twenty (20') feet for newly created sublots, subparcels or remaining parcels where building envelopes do not abut a public road directly.
 - D. **Property Transfers** - Property transfers between two adjacent, legally created, pre-existing parcels/tracts (those which have not been previously split per the lot creation standards of Section 4.08(f).), are permitted provided both resulting parcels will be of a size and configuration conforming to the building requirements of this Ordinance.

Section 4.08(f) - Lot Creation

All sublots, subparcels and remaining parcels shall hereafter be created pursuant to the General Development Provisions and the provisions of Option #1, Option #2 or Option #3 specified below.

A. Option #1 - Country Properties Option

Legally created pre-existing parcels/tracts may be divided into Subparcels a minimum of 30 acres in area.

B. Option #2 - Family Properties Option

Sublots may also be created on any legally created pre-existing parcel/tract based upon the following schedule.

Sublot Creation Schedule:

Pre-existing Parcel/Tract Area	Total Maximum Parcel/Tract Area Which May Be Subdivided	Maximum # of Sublots Which May Be Created On Subdivided Area
5.01 to 20.00 Acres	No Maximum	1
20.01 to 30.00 Acres	10.0 Acres	2
30.01 to 40.00 Acres	10.0 Acres	3
40.01 to 50.00 Acres	12.0 Acres	4
50.01 to 60.00 Acres	15.0 Acres	5
60.01 to 70.00 Acres	18.0 Acres	6
70.01 Acres or greater	21.0 Acres	7

C. Option #3 - Planned Unit Development Option

1. Any legally created pre-existing parcel/tract is eligible to be developed according to this option. The number of sublots allowed shall be based on the percent of the gross acreage of the pre-existing parcel/tract dedicated as the Remaining Parcel. The density of development shall be based on following schedule:

% of parcel dedicated as the Remaining Parcel	Number of sublots allowed per gross pre-existing parcel/tract acreage
0%	1 per 30 full acres
33%	1 per 7 full acres
50%	1 per 6 full acres
66%	1 per 5 full acres

Example: A pre-existing parcel/tract contains 120 acres. If 60 acres or 50% of the parcel area is split into a single parcel, the resulting subparcel may be split into a maximum of 20 sublots. If however, 79 acres or 66% of the parcel area is split into a single subparcel, the resulting 41 acres could be divided into a maximum of 24 sublots.

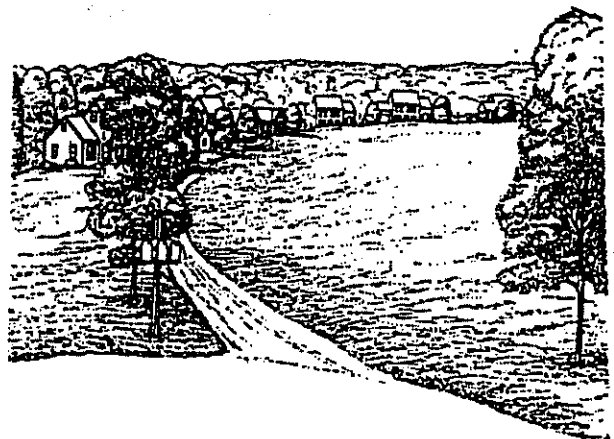
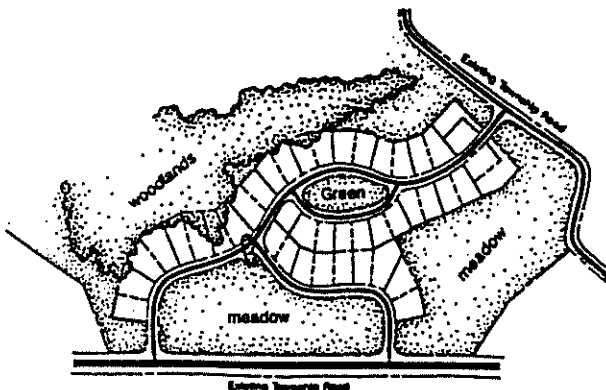
- a. The Remaining Parcel shall be of a suitable size and configuration such that agricultural or forestry operations could be carried out unimpeded by nonfarm development. Remaining Parcels shall be no less than thirty (30) acres for all PUD's.

b. The Remaining Parcel shall be covered by a conservation easement or other irrevocable conveyance which in perpetuity restricts further division of the Remaining Parcel and limits the use of the Remaining Parcel for agricultural, forestry, wildlife habitat, non commercial recreation, private road or utility easement purposes. Structures on the Remaining Parcel shall be limited to a maximum of one single family dwelling unit and structures normally accessory to it and the other uses allowed on the parcel.

2. When more than four sublots are created they shall be clustered into minimum clusters of four
3. There shall be no minimum subplot area requirement, except that which is necessary for on site septic systems.
4. Sublot Siting Considerations for Option #3 only:

In evaluating the layout of sublots and the remaining parcel, the following criteria shall be used by the Planning Commission as indicating a design which is appropriate to the site's natural, historic and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be considered to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed plan:

- a. Protects and preserves Primary Conservation areas from clearing, grading, cutting, filling or new construction.
- b. Avoids siting new construction on prominent hilltops or ridgelines as seen from public roads or waters, by taking advantage of lower topographic features or siting it in fully stocked forested areas. (With a minimum average spacing of 18') with pole size (4" or greater at breast height) trees.
(In situations where new construction shall be sited in forested areas it shall be conditional on the forested conditions remaining. The selective trimming of trees is allowed for "filtered" views.
- c. Whenever possible and other options exist, new construction shall avoid open fields but rather should be located adjacent to treelines, wooded field edges or in forested areas. When new construction must be located in open areas "foreground meadows" such as those depicted below shall be designed.



5. Rather than each subplot accessing a public road from individual driveways, sublots shall access public roadways from a single or a series of common drive(s) or private roads. When four or more sublots are created or planned to be created, each common drive or private road shall service a minimum of four sublots. Common drives and private roads shall meet township Private Road Ordinance requirements.
6. Configuration of Remaining Parcel: As much as practical the Remaining Parcel created under this option shall be:
 1. contiguous;
 - b. contain as much of the Primary Conservation Areas, as practical, and as much of the Secondary Conservation Areas as necessary to meet the required minimum remaining parcel percentage; and
 - c. should be of a suitable size and configuration such that agricultural or forestry operations could be carried out unimpeded by nonfarm development. Long narrow strips of land should be avoided except in cases to protect Primary Conservation Areas.
7. Protection and Uses of Remaining Parcel(s): All Remaining Parcels created under this option shall be covered by a conservation easement prohibiting further division of these lands and prohibiting the construction of more than one residential dwelling and one guest house. In addition, uses of the remaining lands shall be limited to those uses permitted in Sections 4.08 (C) and (H) of this District. The conservation easement shall be held jointly by the owners of the sublots created on the parcel, by a single owner of the remaining parcel and/or by either the Township or a recognized land trust/conservancy organization or both.

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

- A. The Township recognizes the importance of the proper administration of this Ordinance. Accordingly, the Planning Commission shall review all proposed lot/parcel splits and PUD plans in this District to insure that the provisions of this Ordinance shall be met. Notice for all lot/parcel divisions and PUD's shall be made according to the standards in Section 7 of this Ordinance. Reviews of all lot/parcel divisions may be made at any regular or special meeting of the Planning Commission. All lot/parcel splits shall be accompanied by a survey, completed by a licenced surveyor in the state of Michigan, which indicates the pre-existing parcel and all resulting subparcels, by new legal descriptions for the resulting parcels and a fee set forth by the Township Board. In addition, the Planning Commission shall maintain at the Township Hall, an official map of pre-existing parcels in this district. All subplot and subparcel splits and the date said splits were approved shall be recorded on this map.
8. Applications for Planned Unit Developments under Section 4.08 F. 3. shall follow the procedures below.
 1. Applicants shall provide a site plan (drawn to scale) to the Planning Commission which at a minimum contains the following information.
 - a. Name and address of the applicant.
 - b. Boundaries and dimensions of the pre-existing parcels or subparcels

- c. Location of existing structures.
 - d. Location of existing cover types/uses such as agricultural lands, Forest land, other remaining parcels, wetlands, etc..
 - e. Location and dimensions of proposed sublots, subparcels, Remaining Parcels, building envelopes, common recreation facilities, common drives and private roads.
 - f. Other information as may be required by other applicable provision of this Ordinance or other applicable Township Ordinances.
 - g. Other information deemed necessary by the Planning Commission to insure conformance with this Ordinance or other applicable township, county, state or federal regulations.
2. In addition to the Site Plan, when lots are being created under Option #3 the applicant shall provide copies of language for the conservation easement or other restrictive covenants to cover the designated Remaining Parcel lands, as well as the master deed for projects developed under the provisions of the Condominium Act and any other agreements as required by this or other township ordinances.
 3. Within forty five (45) days of receipt of all of the above materials the Planning Commission shall hold a public hearing. Notification of said public hearing shall be done in accordance with the Special Land Use provisions of this Ordinance.
 4. After a public hearing the Planning Commission shall prepare a report stating its conclusions, the basis for its decision, the decision and any conditions related to the decision. Upon determination by the Planning Commission that the Site Plan and other required documents are in compliance with the provisions of this District, the application for land division shall be approved. Granting of approval shall signify conformance with requirements of Section 16c. of the Township Rural Zoning Act, (MCL 125.286c) as amended.
 5. All Planned Unit Development approvals shall be valid for a period of one year from the date of approval (or adoption of this provision for those Planned Unit Developments approved before this provision). If no construction activities have taken place in that time period, the applicant may reapply for a one year extension. All Planned Units Developments applying for extension shall be required to comply with any new provisions of this or any other applicable township ordinances.

Section 4.08(h) - Minor Special Land Uses

- A. In addition to a single family dwelling unit, one single guest house/garage apartment may be allowed on any pre-existing pre-existing parcel/tract or any new subplot, subparcel or Remaining Parcel six acres in area or greater, provided that the Planning Commission finds that the following specific standards outlined below are met.
 1. Specific Standards:
 - a. Floor area shall be limited to a maximum of 800 square feet for free standing guest houses

b. For free standing guest houses the minimum length of any exterior wall shall be twenty (20) feet.

2. Other Conditions:

a. Free standing guesthouses and garage/basement apartments shall only be allowed on those parcels with a pre-existing dwelling unit.

b. Free standing guesthouse and garage/basement apartments shall not be separated from the preexisting dwelling unit through any future lot split nor shall it be owned by anyone except the owner(s) of the preexisting dwelling unit.

c. Garage Apartments may be attached or separate from the pre-existing dwelling unit.

d. Basement apartments shall be located in the pre-existing dwelling structure.

3. Applicants for guesthouse/garage apartments shall submit a site plan drawn to scale and containing the following information.

a. Name and address of the applicant.

b. Boundaries and dimensions of existing, pre-existing parcels or subparcels

c. Location of existing structures.

d. Location and dimensions of proposed structure.

f. Elevations and floor plans of proposed structure.

g. Other information deemed necessary by the Planning Commission to insure conformance with this Ordinance or other applicable township, county, state or federal regulations.

B. When the Planning Commission determines that due to dimensional and other lot creation standards in this ordinance, suitable alternative sites do not exist, building envelopes may be sited in areas mapped with slopes 25% or greater ("F" slopes) on newly created Sublots, Subparcels, and Remaining Parcels. Building envelopes created in these areas must meet the following conditions:

1. Shall be located in areas with pre-existing natural slopes of less than 33% (as determined by a topographic survey completed at two foot contours);

2. Setback a minimum of 250 feet from any lake, wetland, river, or stream.

3. Be restricted to one single family dwelling unit and attached accessory structures.

4. Access drives shall be of a minimal size and configuration to access the structure.

5. A stormwater management system designed by a licenced Civil Engineer to store all site runoff from a 3.5 inch-24 hour rainfall shall be installed.

Section 4.08(D) - Major Special Land Uses

- A. Major special land uses that may be authorized in this zoning district include the following uses, provided that an application is submitted for a Special Use Permit and approved in accordance with the procedures, provisions and standards of Articles 7, 8 and 9 of this Ordinance.
1. Religious institutions, cemeteries and institutions for human care.
 2. Camps, clubs, campgrounds, provided no commercial activity shall be conducted on the premises.
 3. Clinics, sanitariums, convalescent homes and nurseries.
 4. Golf courses, riding stables and publicly owned recreation areas.
 5. Parks, playgrounds, play fields, museums, libraries, fire stations, schools, community centers and other public buildings owned and operated by a governmental agency or a nonprofit neighborhood group.
 6. All commercial natural resource extractions, mining or relocation, including sand or gravel, but specifically exempting cases where land grades are changed in connection with erection or construction of any roads.

Section 5. Amendment of Section 4.10 D. 2.

Section 4.10 D. 2. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

D. Zoning Regulations

4. Construction on steep slopes:

- a. Except as provided in this subsection, construction of new structures or additions to existing structures shall be limited to those areas of land where the pre-existing slope, as determined by a topographic survey completed at two (2) foot contour intervals, within the building envelope, does not exceed twelve percent (12%). A new structure or an addition or renovation to an existing structure may be constructed in an area where the pre-existing slope, within the building envelope, is between twelve percent (12%) and twenty five percent (25%), if and only if the Planning Commission reviews the construction plans and finds that the proposed construction meets all of the following requirements:
 - 1) The proposed construction meets the purposes of the waterfront overlay regulations specified in section 4.10 A. of this Ordinance.
 - 2) Except for the twelve percent (12%) slope requirement, the proposed construction meets all other zoning requirements of this Ordinance, including the waterfront overlay regulations specified in section 4.10 D. of this Ordinance.

- 3) The construction plans include engineering plans, reports and specifications, prepared, signed and sealed by an engineer licensed in the State of Michigan, which prevents storm water runoff from entering the abutting river or lake directly, and those construction plans include a Stormwater Plan conforming to the Charlevoix County Soil Erosion Sedimentation and Stormwater runoff Control Ordinance.
 - 4) The engineering plans, reports, and specifications provided in subsection 3. above conform to accepted engineering practices so that the engineering plans, when implemented, will achieve the intended results.
 - 5) The plans include a maintenance plan for upkeep of the stormwater system.
- b. If, on any lot, site condominium site or parcel of land, no area exists where the pre-existing slope, is less than twenty five percent (25%), that is of sufficient size to meet the minimum square footage requirements, the zoning board of appeals may consider granting a variance, based on the conditions and standards in section 12.05 A. 3. a. of this Ordinance.
 - c. Clearing of trees on slopes over 25% shall be limited to clearing to permit for filtered views through the trees.

Section 6. Amendment of Section 4.10 D. 4.

Section 4.10 D. 4. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Water Front Setback: Except for docks, shoreline protection structures and walkways four (4') feet or less in width, all structures shall be located the minimum specified distance from the lake based on the pre-existing slope of the land in the following table. The setbacks shall be measured from the high water elevation as defined.

0-12%	50'
12-18%	100'
18-25%	150'

Section 7. Severability

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that they would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 8. Conflicts

If any provision of the Evangeline Township Zoning Ordinance conflicts with this Zoning Amendment Ordinance, then the provisions of this Zoning Amendment Ordinance shall control.

Section 9. Effective Date

This Ordinance shall become effective seven (7) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF EVANGELINE

By: _____
Doug Shields, Supervisor

By: _____
Josette Lory, Clerk

\\department\planzone\evange\ordince\trf amendment final