

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

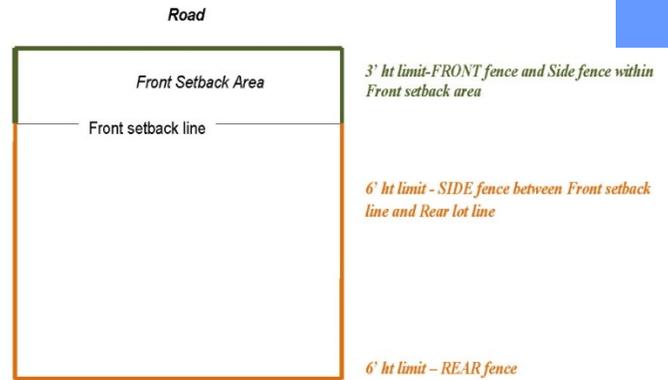
- A. No more than One (1) dwelling shall be erected on any lot or parcel of land except as permitted under Section 4.4.B, below, or as otherwise specifically permitted in this Ordinance.
- B. In the Farm-Forest and Farm-Forest 2 zoning districts, an accessory dwelling shall be permitted upon application 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:

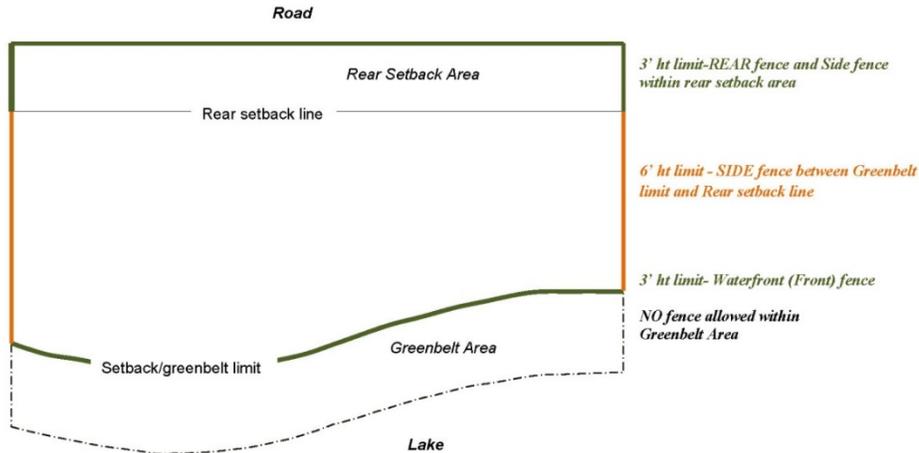
- A. The fence shall not obscure traffic visibility.
- B. The fence must be located within the lot lines.
- C. The fence must be maintained by owner.
- D. For a fence with only one finished side, the finished side shall face the road or adjacent property.
- E. Height Limits

- 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;



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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.

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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.

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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:

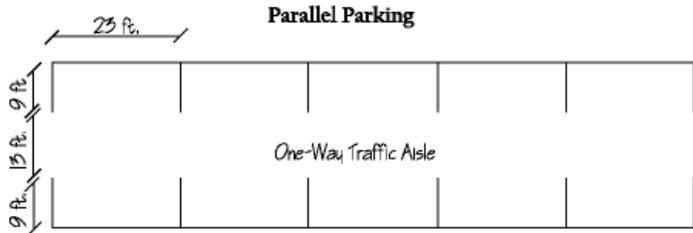
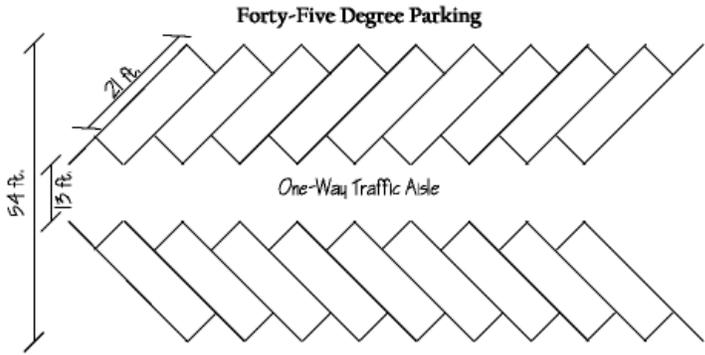
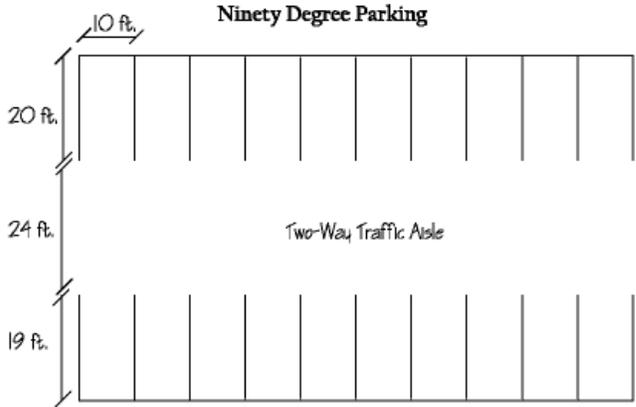
| USES   | SPACES REQUIRED   |
|--|---|
| Bowling Alleys   | 5 per lane in addition to spaces required for restaurants.                          |
| Fast-food takeout establishments and drive-in restaurants.   | 0.10 times floor area in sq. ft.  |
| Restaurants except drive-ins   | 1.2 per 100 sq. ft. 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<br>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.

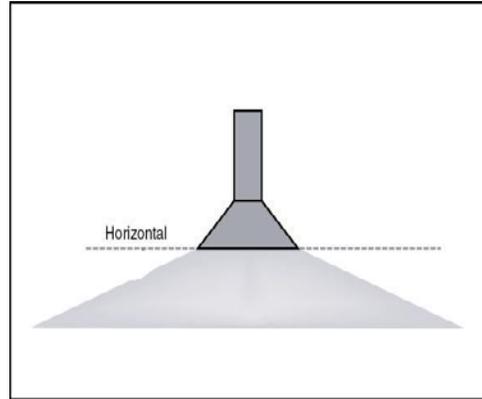
Section 4.21 Vehicular Parking (cont.)

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 <sup>(a)</sup> | 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 <sup>(c)</sup>   |   |   |

<sup>(a)</sup> 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.

<sup>(b)</sup> 1,200 square feet when the dwelling does not have an attached garage.

<sup>(c)</sup> 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.

Section 4.28 Exceptions to Height Restrictions

Section 4.29 Condominiums

Section 4.30 Home Business

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.