

Eveline Township
Ordinance Number _____ of 2009

An Ordinance to amend Articles 2, 4 and 10 of the Eveline Township Zoning Ordinance.

The Township of Eveline Ordains:

Section 1. Amendment of Section 2.2 Table of Land Uses by Zoning District.

Section 2.2 Table of Land Use by Zoning District is hereby amended to 1) amend the “Cottage Industries” row description and section reference under the Land Preservation Uses; 2) amend the “Home Occupation” row in the table under the Residential Uses section to allow home occupations as a permitted use in the Single Family Residential (R) district, Rural Residential (RR) district, Farm-Forest (FF) district, and the Farm-Forest 2 (FF-2) district; and 3) to add a “Bed and Breakfast Establishments” row under the Commercial Uses section to allow bed and breakfast establishments subject to Special Use Permit in the Rural Residential (RR) district, Farm-Forest (FF) district, the Farm-Forest 2 (FF-2) district and Village Commercial (VC) district.

Land Use	Zoning Districts									
	R	MF	MH	RR	FF	FF-2	VC	LI	CR	G
Land Preservation Uses										
Cottage Industries, see Section 4.30	/	/	/	SP	SP	SP	SP	/	/	/

Land Use	Zoning Districts									
	R	MF	MH	RR	FF	FF-2	VC	LI	CR	G
Residential Uses										
Home Occupations, Section 4.30	P	/	/	P	P	P	/	/	/	/

Land Use	Zoning Districts									
	R	MF	MH	RR	FF	FF-2	VC	LI	CR	G
Commercial Uses										
Bed and Breakfast Establishments	/	/	/	SP	SP	SP	SP	/	/	/

Section 2. Amendment of Section 2.8, subsection B.

Section 2.8, subsection B of the Eveline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

B. Bed and Breakfast Establishments:

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

1. Bed and Breakfast Establishment as an Accessory Use: The bed and breakfast establishment shall be clearly incidental to the principal residence.
2. Principal Residence: The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
3. Maximum Number of Units: No more than three (3) bed and breakfast sleeping rooms shall be established.
4. Kitchen Facilities: There shall be no separate cooking facilities for the bed and breakfast establishment, other than those, which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.

5. **Building Requirements:** A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
 - a. There shall be at least two (2) exits to the outdoors.
 - b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
 - c. Each sleeping room shall be equipped with a smoke detector.
6. **Parking:** An off-street parking spot shall be provided for bed and breakfast unit, in accordance with this Ordinance. Off-street parking in the front yard is prohibited.
7. The number of bathrooms and septic system size shall meet District Health Department requirements.

Section 3. Amendment of Section 2.8, subsection M.

Section 2.8, subsection M of the Eveline Township Zoning Ordinance is hereby repealed in its entirety, and the subsection N is re-lettered to a new subsection M.

Section 4. Amendment of Section 4.13, subsection D.3.

Section 4.13 subsection D.3 of the Eveline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

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.

Section 5. Amendment of Section 4.20, subsection A.

Section 4.20 subsection A of the Eveline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- 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.

Section 6. Amendment of Article 4 to add Section 4.30.

Article 4 of the Eveline Township Zoning Ordinance is hereby amended to add Section 4.30 to read in its entirety as follows:

Section 4.30- Home Business

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

A. Home Occupations

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

B. Cottage Industries

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

To ensure that the cottage industry is compatible with surrounding residential use, hours of operation shall be approved by the Planning Commission.

Section 7. Amendment of Section 10.1 to amend definitions

Section 10.1 of the Eveline Township Zoning Ordinance is hereby amended to replace in their entirety the following definitions:

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

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

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

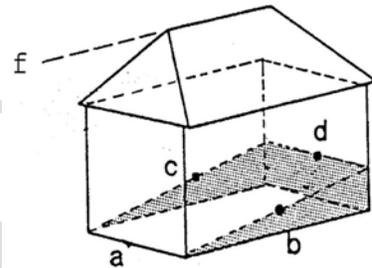
- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm operations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

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

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

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

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



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

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

COTTAGE INDUSTRIES. See Home Business, Cottage Industry.

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

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

HOME OCCUPATION. See Home Business, Home Occupation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Amendment of Section 10.1 to add definitions

Section 10.1 of the Eveline Township Zoning Ordinance is hereby amended to add the following definitions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9 Amendment of Section 10.1 to repeal specific definitions

Section 10.1 of the Eveline Township Zoning Ordinance is hereby amended to repeal the definitions for the following terms:

CHILD CARE CENTER.
CONDOMINIUM
NON-RESIDENTIAL USE.
RIGHT-OF-WAY.
ROAD OR STREET
VARIANCE

Section 10. 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 it would have passed 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 11. Conflicts.

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

Section 12. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Eveline

By:
John Vron dran, Supervisor

By:
Michelle Johnson, Clerk

Adoption date: _____

Effective date: _____