

ARTICLE 3

VILLAGE AREA MIXED USE DISTRICT “V-MU”

SECTION 3.1 PURPOSE

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

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

SECTION 3.2 PROCEDURE FOR REVIEW AND APPROVAL

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

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

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

8. Effect of Preliminary Village Mixed Use Plan Approval.

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

B. Submittal of the Final Village Mixed Use Plan

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

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

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

SECTION 3.3 VILLAGE AREA MIXED USE DEVELOPMENT DESIGN STANDARDS

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

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

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

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

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

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

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

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

G. Non-residential Uses.

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

Examples of Calculation of Allowed Commercial Land Coverage

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

H. Setbacks.

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

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

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

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

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

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

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

5. Green Belt zoning standards of Section 4.6 shall apply except that the Planning Commission may, where conditions dictate, allow additional clearing of vegetation for beach areas used toward the minimum required open space area. Such cleared beach areas shall be limited to 25% of the total lake frontage.

P. Utilities. All utilities, including, but not limited to, electric, gas, telephone and cable, shall be placed underground.

SECTION 3.4 APPEALS.

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

SECTION 3.5 ALTERNATIVE DEVELOPMENT OPTION.

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

SECTION 3.6 REQUIRED FEES.

See Section 5.3.

Sec. 3.3 (cont.)

Section 3.4

Section 3.5

Section 3.6