

EMPIRE TOWNSHIP  
LEELANAU COUNTY

ORDINANCE NO. 02-2015

AMENDMENT TO THE EMPIRE TOWNSHIP ZONING ORDINANCE

AN ORDINANCE TO AMEND THE EMPIRE TOWNSHIP ZONING ORDINANCE TO PROVIDE CLARIFICATION THAT STRUCTURES ARE NOT PERMITTED IN THE SIDE SETBACK AREA, ADD DOCKS AND RAFTS IN THE DEFINITIONS OF STRUCTURES, DEFINE THE MANNER OF MEASURING SIDE SETBACKS IN LAKE ACCESS AREAS, REQUIRE PLANNING COMMISSION DETERMINATION FOR USES OTHER THAN THOSE CURRENTLY PERMITTED IN THE GATEWAY MIXED-USE DISTRICT, AND CLARIFY THAT THERE ARE MINIMUM SETBACKS IN SITE DEVELOPMENT STANDARDS BY ADDING THE WORD "SETBACK" WHERE IT IS IMPLIED BUT NOT STATED.

EMPIRE TOWNSHIP HEREBY ORDAINS:

Section 1. AMENDMENT OF ZONING ORDINANCE

The Empire Township Zoning Ordinance is hereby amended in the following matters **(TEXT ADDITION – SHOWN AS BOLD, ITALICS, AND ALL CAPITALS):**

Section 2. ARTICLE 2 - Section 2.2 - Definitions are amended as follows:

Setback: The minimum required distance between a lot line and structure. Further defined as:

A. (No changes)

B. (No changes)

C. Setback, Side: The minimum required distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line. No buildings **OR STRUCTURES** are permitted in the setback area. **FOR LAKEFRONT PROPERTIES NO STRUCTURES ARE PERMITTED WITHIN SIDE YARD SETBACK AREAS, WHICH SETBACK AREAS ARE MEASURED FROM THE SIDE BOUNDARIES OF THE LOT AS EXTENDED TO THE CENTER OF THE LAKE.**

Structure: Anything constructed or erected, the use of which requires location on the ground **(INCLUDING THE GROUND UNDER WATER ON A LAKE OR RIVER)** or attachment to something having location on the ground.

Structures include, but are not limited to, principal and accessory buildings, towers, decks, **DOCKS, MOORED OR ANCHORED RAFTS**, fences, privacy screens, walls, antennae, swimming pools, signs, and gas or liquid storage facilities. Driveway access drives, sidewalks, road directional or road name signs,

and landscape improvements are not considered structures in regard to restrictions on placement within setback areas.

**Section 3. ARTICLE 4 - Section 4.7 – Lake Access/Keyholing is amended as follows:**

A. (No changes)

B. No lot abutting Lake Michigan, South Bar Lake, Big Glen or Little Glen Lake shall be used to provide lake access for any water related activity, including, without limitation, swimming (including placement of a raft), fishing, docking or mooring of any watercraft, to or for any person except as follows:

1. On a lot zoned for single family residential use, the owner(s) of the lot or the residents of the dwelling on the lot may use said lot for lake access for any water related activity, including, without limitation, swimming (including placement of a raft), fishing, docking or mooring of any watercraft, **AS LONG AS PLACEMENT COMPLIES WITH THE 10 FOOT SIDE YARD SETBACK REQUIREMENTS OF THIS ORDINANCE. (SECTION 4.1)**

**Section 4. ARTICLE 10 - Section 10.3 Special Land Uses are amended by adding the following sentence to end of Section 10.3:**

***NO USE OTHER THAN THOSE SPECIFICALLY PERMITTED UNDER SECTION 10.2 OR 10.3, ABOVE, SHALL BE PERMITTED, UNLESS THE PLANNING COMMISSION DETERMINES, FOLLOWING A PUBLIC HEARING FOR WHICH NOTICE HAS BEEN GIVEN AS PROVIDED BY LAW, THAT THE PROPOSED USE IS SUBSTANTIALLY SIMILAR TO A USE WHICH IS LISTED IN SECTION 10.2 OR 10.3 AND THAT IT MEETS THE INTENT OF THE GATEWAY MIXED USE ZONING DISTRICT AS SET FORTH IN SECTION 10.1.***

**Section 5. ARTICLE 10 - Section 10.4 B. and C. of Site Development Standards are amended as follows:**

- B. Nonresidential setbacks. For non-residential structures, the following shall apply:
1. There shall be a minimum **SETBACK** of two hundred fifty (250) feet from the edge of the right-of-way from all state highways to the building wall.
  2. There shall be a minimum **SETBACK** of seventy five (75) feet from the edge of right-of-way from all County Roads.
  3. There shall be a minimum **SETBACK** of fifty (50) feet from all road easements.
  4. There shall be a minimum setback of seventy five (75) feet from all residential zoning boundary lines.
  5. There shall be a minimum **SETBACK** of twenty-five (25) feet from all side property lines.
  6. Parking areas shall be a minimum of one hundred twenty five (125) feet from the edge of the right-of-way from all state highways, fifty (50) feet from the edge of the right-of-way from a County Road, and twenty five (25) feet from all road easements or marginal access drives. Forty (40) feet of a 125 foot or a 50 foot

setback, and 20 feet of a 25 foot setback shall be landscaped, meeting the requirements listed in Section 4.8, Landscaping.

7. There shall be a minimum **SETBACK** of forty (40) feet from the rear property line.

C. Residential setbacks. For all single family and accessory apartment structures, the following shall apply:

1. There shall be a minimum **SETBACK** of forty (40) feet from the edge of the road right-of-way or road easement.

2. There shall be a minimum **SETBACK** of twenty-five (25) feet from all side property lines.

3. There shall be a minimum **SETBACK** of forty (40) feet from the rear property line.

### **Section 6: Effective Date**

This Ordinance shall become effective upon publication in accordance with law.

At a regular meeting of the Township Board for Empire Township held on the 8th day of December, 2015, Deering moved for adoption of the foregoing ordinance and Price supported the motion.

Voting for: Deering, Neiswonger, Bolton, Price, Noonan.

Voting against: None.

The Township Supervisor declared the ordinance adopted.

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William B. Bolton  
Township Supervisor

### **CERTIFICATION**

The foregoing is a true copy of Ordinance No. 02-2015 which was duly adopted by the Empire Township Board at a regular meeting held on December 8, 2015.

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Christine M. Neiswonger  
Township Clerk