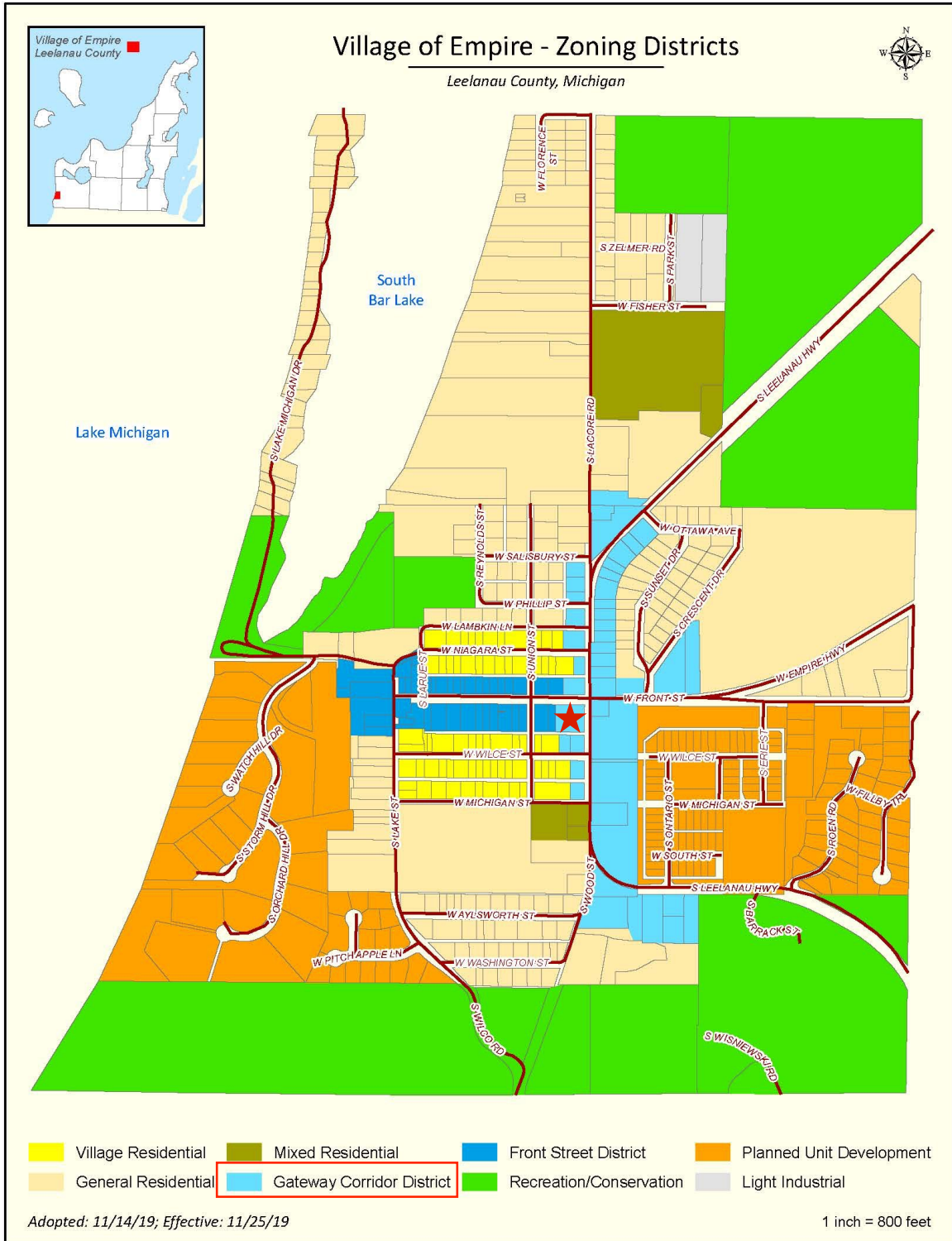


# Zoning Map



This map is prepared by Leelanau County for reference purposes only. Leelanau County is not liable for any errors that may be found herein.

RHerman\_1.9.2020

Information contained herein subject to errors, omissions, and should be verified prior to purchase or lease. Property may be subject to prior sale, change, and withdrawal without notice. All offers may be rejected. Price is without buyer brokers fees. Seller is Real Estate Broker.

# Zoning Ordinance

## **Section 4.09 Gateway Corridor (GC) District**

The following provisions shall apply to the GC District.

### **Section 4.09.1 - Intent**

The Gateway Corridor (GC) District is designed to maintain the unique characteristics of the Village of Empire along M-22 Highway and M-72 Highway that result in safe, pedestrian friendly access to commerce and which safely connect pedestrians to the FS District, i.e., the Village core along Front St., adjacent and nearby residences, and encourages pedestrian access. Characteristics common to the GC District include compact development, a density and arrangement of land uses which encourages safe pedestrian activity, low profile signage, dark sky protective lighting, and limited commercial land uses in successful co-existence with the community at large.

This GC district permits a variety of stores, personal services, offices and others commercial uses that protect the Village's small-town character while providing for pedestrian safety, adequate and safe automobile access, and circulation.

### **Section 4.09.2 - Permitted Uses**

Permitted uses of lands and premises, and the erection and use of buildings and structures in the GC District shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 5 - Site Plan Review**. The following are permitted uses within the GC District provided that such uses occur within an enclosed building with a maximum floor area of less than or equal to 2,999 square feet (i.e., including gross floor area, roofed storage, etc.).

1. Single-family dwellings
2. Two-family dwellings
3. Accessory dwellings
4. Bed and breakfast establishments
5. Childcare center/child day care
6. Restaurants and taverns
7. Personal service establishments
8. Business and professional offices
9. Banks and other financial institutions
10. Hospitals & medical clinics
11. Places of worship
12. Bus terminals/bus stops
13. Public parks, playgrounds and recreation facilities
14. Planned Unit Development
15. Plant materials nursery
16. Home occupations

17. Mixed commercial and residential uses
18. Retail sales and services
19. Accessory buildings and uses customarily incidental to the above permitted uses

#### **Section 4.09.3 - Uses Subject to Special Use Permit**

Special use approval of lands and premises, and the erection and use of buildings and structures in the GC District shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 5 - Site Plan Review**, **Article 6 - Uses Subject to Special Use Permit**, and the applicable portions of **Article 7 - Supplemental Site Development Standards**. The following are special uses within the GS District provided that such uses occur within an enclosed building with a maximum floor area of 3,000 to 5,000 square feet (i.e., including gross floor area, roofed storage, etc.).

1. Schools licensed or chartered by the State of Michigan
2. Convalescent homes/nursing homes
3. Government and institutional offices
4. Hotels, motels and inns
5. Nursery schools
6. Veterinary clinics
7. Pet shops
8. Kennels
9. Funeral homes and mortuaries
10. Automobile repair
11. Gasoline service stations
12. Car wash facilities
13. Planned Unit Development
14. Open air business, and outdoor display and sales of merchandise incidental to a business
15. Retail sales and services
16. Accessory buildings and uses customarily incidental to the above special uses

#### **Section 4.09.4 - Specific Standards**

1. Allowable Building Types
  - a. Commercial buildings as listed, and other structures that are normally considered accessory and based on size limitations below.
  - b. Single-family and two-family dwellings.
  - c. Mixed use commercial buildings, i.e., possessing commercial and residential uses.

- d. A single attached or detached accessory dwelling not exceeding the size of the principal residence is also allowed on lots (i.e., provided the lot owner lives in one of the dwellings on the lot).
- e. Civic buildings including schools, libraries, day care centers, churches, meeting and recreation halls.

2. Dimensional Standards

- a. Lot Depth ..... 100' min.
- b. Lot Width .....50' min. to 100' max.
- c. Street Front Setback .....5' min. to 20' max.
- d. Rear Yard Setback.....10' min. from the rear yard lot line. (See footnote f. in **Section 4.10 - Schedule of Regulations**).
- e. Side Yard Setback .....0' min. commercial to commercial, 5' min commercial to residential or residential to residential
- f. Primary Structure Height ..... 32' max.
- g. Accessory Building Height .....25' or the height of the primary dwelling whichever is less.
- h. All dumpsters and trash storage areas for use other than single family residential shall be screened from view, by a barrier, solid fence and/or an effective native evergreen vegetative screen that is a minimum of six (6) feet in height.

**Section 4.09.5 - Additional Standards**

- 1. All buildings shall primarily be oriented toward the front of the lot.
- 2. Maximum lot coverage with impervious surfaces, i.e., area of roof, parking, walkways, etc. shall not exceed seventy (70%) the gross lot area. A minimum of thirty (30%) percent of the lot shall be maintained as open space.
- 3. Drive through windows are not allowed.
- 4. Awnings, overhangs, porches, walls, accessory buildings and structures, etc. shall not encroach into required setbacks.
- 5. Streetscape requirements

- a. Sidewalk requirements and design - developments within the GC District shall design and install sidewalks in compliance with **Section 3.19 - Sidewalks**.
  - b. Walkways and sidewalks, patios, structures, and areas designated for outdoor storage, parking or loading shall not be included in the open area calculation; provided, however, that pervious surface areas such as brick, stone areas and patios may be included in the required open area.
  - c. Pedestrian use of required sidewalks shall not be obstructed or in any way impeded.
6. Landscaping requirements - A minimum of twenty (20%) percent of the lot shall be landscaped and maintained as open area. A landscape plan shall be provided and approved as a part of Site Plan and Special Use Permit Reviews subject to **Section 3.21 - Landscaping**.
7. Parking, site circulation and loading - Parking spaces shall be provided subject to **Section 3.16 - Off Street Parking Standards**.
- a. Parking is required to be off-street subject to **Section 3.16.1**. Parking shall be shared, and site circulation shall work cooperatively with adjacent land uses where appropriate, and as determined by the Planning Commission.
  - b. Parking shall be on-site and within the front and/or side areas of the lot.
  - c. Loading spaces shall be provided on the side and/or rear areas of the lot.
  - d. Bicycle facilities shall be provided and reviewed in accordance with **Section 3.16.1, 11. D**.
8. Vehicle access and design - Access shall comply with **Section 3.17 - Access Controls** as determined by the Planning Commission. Site access, driveways and curb cuts shall be shared with adjacent land uses to the maximum extent possible. Vehicular and pedestrian traffic within the site shall also be safe and convenient and parking layout will not adversely interfere with the flow, visibility of traffic within the site or to and from the adjacent streets and highways. Safe and adequate access for emergency vehicles to and within the development, and adequate space(s) for turning around at street ends shall be provided. Applicants shall obtain and provide copies of any required permits from the Michigan Department of Transportation and/or Leelanau County Road Commission for any new access, declaration lane, curb cut/driveway, etc.
- The use shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting properties, public thoroughfares, and any trails or parks intersecting or abutting such development. Drive through windows are not allowed.
9. Signs - Signage in the GC District shall comply with and are subject to **Village Ordinance No. 142 - Signs**.

10. Lighting - All lighting shall be fully-shielded, downward directed and comply with **Section 3.11 - Outdoor Lighting**, and shall be compliant with the U.S. Department of Energy's Exterior Lighting Guide for protection of the dark night sky.<sup>1</sup>
11. Stormwater - The use shall not result in any increased stormwater runoff to adjacent properties after development than before, and shall utilize innovative stormwater management techniques and systems such as bio-swales, rain gardens, underground storage, and other technologies that result in on-site groundwater infiltration for stormwater disposal.
12. Phasing - The use shall be designed such that phases of development, if phased, shall be in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, stormwater drainage or erosion control.
13. The use shall be designed to preserve public views and existing important natural, historical, and architectural features of significance within and adjacent to the development.
14. The proposed use shall not adversely impact the environment.
15. All utilities shall be installed underground.
16. The use shall meet the standards of and obtain permits from all other relevant local, state and/or federal governmental agencies as applicable. Copies of all such permits shall be provided to the Village.
17. Nuisance Prevention - The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
18. Noise - Sounds emanating from a use shall not generate noise that because of its volume or frequency results in the unreasonable interference with the comfortable use and enjoyment of properties adjacent to or in the vicinity of the use. Noise, if generated, shall be effectively managed by methods such as, but not limited to, the use of earthen berms, brick walls, ceramic barriers, and/or other noise abatement technologies in conjunction with fencing and/or landscaping, increased setbacks, days of the week and/or limited hours of operation.
19. Public Safety - The proposed use shall not unreasonably impact public safety, or unduly burden or exceed the ability of public safety services or facilities to handle the anticipated needs of the community.

#### **Section 4.09.6 - Additional Requirement**

The following may be required at the discretion of the Planning Commission.

1. Traffic study - Valid and reliable traffic study(-ies) shall be provided by a licensed traffic engineer to determine the impact of on the existing traffic level of service (LOS) and public safety from the proposed land use.

---

<sup>1</sup> [http://cltc.ucdavis.edu/sites/default/files/files/publication/2010\\_DOE\\_FEMP\\_Exterior\\_Lighting\\_Guide.pdf](http://cltc.ucdavis.edu/sites/default/files/files/publication/2010_DOE_FEMP_Exterior_Lighting_Guide.pdf)

**Section 4.10 Schedule of Regulations -**

Key: D.U. --Dwelling Unit sq. ft --square feet ft. --feet

Zoning District	District Name	Min. Lot Area		Max. Ht of Structure	Yard Setbacks					Min. space btwn Bldgs	Min. & Max. S.F. per D.U or Main Bldg.		Maximum Lot Coverage %	
		Area (sq. ft)	Width (ft)	Feet (a)	Front (ft)	Min. Side (ft)	Min. Rear (ft)	Min. Alley	Min. Water					
GR	General Residential	12,500	100	32	20 min	10	10	10	20	20	900	---	25% (b)	
MR	Mixed Residential	2 ac (c)	150	32	40 min	20	20	20 (d)	20	40	1 BR- 540/ DU 2 BR 700/DU		40% (b)	
VR	Village Residential	6,250	50	32	10 min 20 max	5	10	10	----	10	750	---	50%	
GC	Gateway Corridor	5,000	50	32	5 min 20 max	0 (e) (f)	10 (f)	10	----	10 (g)	750	2,999 (h)	70%	
FS	Front Street	5,000	50	32	5 min 20 max	0 (e) (f)	10 (f)	10	----	10 (g)	750	5,000	90%	
LI	Light Industrial	1 acre	100	32	20 min	15 (f)	20	10	----	10	NA	NA	60%	
R/C	Recreation/Conservation	3 acres	300	32	10 min	10	20	20	20	20	900	---	10%	
PUD	Planned Unit Development	See Article 7			See Article 7									

- a) Maximum height for an accessory building shall be 25 feet or the height of the primary structure, whichever is less.
- b) Existing 50' wide (or less) platted lots shall be permitted a maximum of 50 percent building coverage.
- c) A minimum of 8,700 square feet of lot area is required per dwelling unit.
- d) Minimum setback from an internal drive serving multiple family dwellings, shall be 10 feet.
- e) Minimum 0' side yard setback applies when a commercial use is adjacent to a commercial use, the setback is increased to 5' for a commercial use adjacent to a residential use, or for a residential use adjacent to another residential use.
- f) Except when adjacent to a different zoning district, the greater of the two district side setback standards applies.
- g) The minimum building spacing does not apply for the portion of a building utilizing the zero-setback provision, provided a firewall is provided between buildings located on the property line.
- h) Maximum floor area in the GC District shall be 2,999 sq. ft. for any permitted use and 3,000 – 5,000 sq. ft. for any special use.