

Zoning Ordinance Standard	PC Findings	Conditions
ARTICLE 6 DEVELOPMENT REVIEW		
SECTION 6.3 REQUIRED DATA FOR SITE PLAN REVIEW		
<p>A. A site plan shall consist of an overall plan for the entire development. Sheet size shall be at least twenty-four (24) by thirty-six (36) inches with the plan drawn to a scale of not less than one (1) inch equals fifty (50) feet for property under three (3) acres, and at least one (1) inch equals one hundred (100) feet for properties (3) acres or more. Nine (9) complete sets shall be submitted for Planning Commission review. Two (2) complete sets and one (1) 11 X 17 sized set is required for Administrative review. The site plans shall be submitted to the Zoning Administrator thirty (30) days prior to the Planning Commission meeting.</p>	<p>Site plans were submitted dated 4/22/2024.</p>	<p>Final plans incorporating all revisions/conditions shall be sealed and signed by a professional engineer (professional surveyor or landscape architect licensed in Michigan).</p>
<p>B. Site plans shall contain the following information:</p> <ol style="list-style-type: none"> 1. The name and address of the professional land surveying civil engineering or architectural firm(s) or person(s) responsible for the preparation of the site plan. 2. The name and address of the petitioner and property owner, if different. 3. Date of preparation, revision dates, north arrow, and scale. 4. Location of the development drawn at a scale of one (1) inch equal two thousand (2,000) feet with north point indicated. This location map shall depict the proposed development site, as well as all section lines and number, major roadways, and other significant area features. 5. All lot and/or property lines, lot and easement dimensions, and a legal description of the lot. Required yard setbacks shall also be depicted and dimensioned on the plan. 	<p>Site plans were submitted by Sarah Bourgeois, Architect, dated 4/22/2024.</p>	<p>Final plans incorporating all revisions/conditions shall be sealed and signed by a professional engineer (professional surveyor or landscape architect licensed in Michigan).</p> <p>Site plans to be revised to include Item #6.</p> <p>Site plans to be revised to include the distance of existing on-property buildings from property lines.</p>

<p>two-bedroom units, mobile home sites, etc.; and for non-residential units, the number, size and location.</p> <p>b. The development area of the site in acres and in square feet, including the breakdowns for any subareas or staging areas (excluding all existing rights-of-way).</p> <p>16. Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.</p> <p>17. Depiction of major wooded areas and description of how they will be preserved.</p> <p>18. Site grading and drainage plans.</p> <p>19. Landscaping plans.</p> <p>20. Description of the areas to be preserved in a natural state.</p> <p>21. Existing and proposed contour shall be shown on all site plans (two (2) foot interval minimum) if required by the Township Engineer or Zoning Administrator.</p> <p>22. A map showing the location of creeks, streams, lakes, ponds, and wetland areas within one thousand five hundred (1,500) feet of the property; or, if there are none, a signed statement to that effect.</p> <p>23. A map depicting any significant views onto or from the site to or from adjoining properties or road right-of-ways.</p> <p>24. Additional Required Information: The following information shall be submitted if requested by the Zoning Administrator:</p> <p>a. A landscape plan identifying trees twelve (12) inches or larger in caliper.</p> <p>b. A description of all exterior building materials.</p> <p>c. Population profile for the development.</p> <p>d. Proposed financing.</p> <p>e. Traffic Impact Study.</p>	<p>PC to continue discussion of need for Traffic Impact Study, per 6/18/2024 minutes.</p>	
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<p>f. Market and Economic Feasibility Study. g. Other information pertinent to the development or use. 25. The requirements of this section are for all uses that require site plan approval. In addition, all site plans must demonstrate conformance with the applicable development requirements contained elsewhere in this Ordinance, such as off-road parking, loading, landscaping, unless specific requirement of this Zoning Ordinance is waived or modified in a manner provided for in this Ordinance. 26. A time line showing the estimated completion dates of the major components of the project.</p>	<p>A proposed construction timeline was submitted as part of the site plan packet dated 04/22/2024.</p>	<p>Zoning Administrator designated to monitor construction timeline and given latitude to adjust as necessary. Any disputes or major discrepancies will be brought to the PC.</p>
<p>SECTION 6.4 AGENCY REVIEW A. Copies of the application and the Site Plan may be required by one or more of the following agencies: 1. Michigan Dept. of Transportation 2. County Road Commission 3. County Drain Commissioner 4. District Health Department 5. County Building Inspector 6. County Soil Erosion Officer 7. County Agricultural Soil Conservation Service 8. Empire Fire Department The applicant shall obtain a letter of response from each agency that requires review of the proposed project or a stamped, signed Site Plan specifically indicating approval or no comment.</p>	<p>Extensive correspondence with applicable agencies submitted with application. Updated agency correspondence includes BLDHD, Soil Erosion, MDOT, and Department of Building Safety. Updated correspondence from Glen Lake Fire Department received 6/18/2024.</p>	<p>Applicant to provide final letters of approval from all applicable agencies prior to the issuance of land use permit.</p>
<p>SECTION 6.5 NOTIFICATION OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) If the application shows any wetland areas on the Site Plan or on a required map showing creeks, streams, lakes, ponds, or wetland areas within one</p>	<p>Email communication from the DEQ (now EGLE) has been received.</p>	<p>Dockage and mooring not for use by any customers of the business, including, but not limited to, customers of the market and restaurant, lodging guests, or event participants.</p>

<p>thousand five hundred (1,500) feet of the property in question, the Secretary of the Planning Commission shall send the DEQ a notice of meetings and hearings, and the DEQ shall be asked to express any concerns they may have. This does not relieve the applicant of any responsibility to supply the DEQ with copies of the application, the Site Plan, the maps submitted, and any other pertinent material, and to obtain a wetlands permit from the DEQ.</p>	<p>PC to Discuss, including</p> <ul style="list-style-type: none"> • Number of customers using the lakefront at once • Use of lakefront for event purposes, including tables, chairs, tents, food service, etc. 	<p>Customers may use lakefront for swimming. Customers may use lakefront for bonfires in a single defined fire ring, with Manor staff responsible for assuring that fires are not unattended and are extinguished properly.</p> <p>Lakefront may be used for events, so long as there is no amplification of music or voice.</p>
<p>SECTION 6.6 REVIEW BY ZONING ADMINISTRATOR; REPORT TO PLANNING COMMISSION Within ten (10) days of receipt of an application for site plan review, the Zoning Administrator shall review the application for compliance with the requirements of this zoning ordinance and shall prepare and submit to the Planning Commission a written analysis of the application including a checklist listing the application’s compliance or non-compliance with all of the requirements set forth in Section 6.3. The analysis shall also include an accurate legal description of the project site, the current zoning classification(s) of the project site, the need for any variances, and the Zoning Administrator’s recommendation as to whether the site plan should be approved along with the reasons for such recommendation.</p>	<p>Planning Commission members were notified of an updated application for the Glen Lake Manor project and provided with initial documentation at the 4/16/2024 regular PC meeting. Initial analysis and discussion of the application and provided documentation was held at the 5/21/2024 regular PC Meeting. Additional /submittal has been provided on 6/7/2024 & 6/13/2024.</p>	
<p>SECTION 6.7 STANDARDS FOR APPROVAL FOR SITE PLAN REVIEW BY THE PLANNING COMMISSION</p>		
<p>A site plan shall be reviewed and approved by the Planning Commission upon finding that the</p>		

<p>following conditions are met:</p> <p>A. That the proposed use will not be detrimental to the adjacent property or the surrounding neighborhood, including adjacent properties located in a different municipality.</p> <p>B. That there is a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.</p> <p>C. That buildings, structures, parking areas, utility areas, walls, and fences are so designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.</p> <p>D. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.</p> <p>E. That as many natural landscape features as possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes, and where they assist in preserving the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.</p> <p>F. The proposed development provides for the proper development of any required public utilities and infrastructure.</p> <p>G. All buildings or groups of buildings are arranged to permit emergency vehicle access.</p> <p>H. That the plan for soil erosion control, storm water discharge, wells, and on-site septic systems have been approved. Site plan approval may be</p>	<p>PC to Discuss, including</p> <ul style="list-style-type: none">• Parking if maximum property occupancy of 137 is reached• Hours of operation for outside events	<p>Private events must be associated with the rental of the dining room, lounge/beverage center, or both, and no public usage of the rented rooms will be allowed during the time of the event. Occupancy limits will be 50 for the dining room and 20 for the lounge/beverage center.</p> <p>There will be a total property occupancy limit of 137 people.</p> <p>The number of primarily outside events exceeding 20 people will be limited to four (4) per season, with seasons defined as spring (May 1 to the day before Memorial Day), summer (Memorial Day to Labor Day), fall (the day after Labor Day to October 31), and winter (November 1 to April 30).</p> <p>No outside amplified music or voice will be allowed. If a sound study is performed to determine a baseline for ambient noise, the applicant may request a modification of the Special Use Permit to allow for reasonable outside amplified music or voice.</p> <p>The porch is considered "outside" for purposes of events and amplification.</p>
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<p>conditioned upon providing evidence that the necessary permits have been applied for. A land use permit shall not be issued until the Zoning Administrator receives a copy of the required permit(s).</p> <p>I. Show that exterior lighting is arranged so that it is deflected downward and away from adjacent properties and that it does not impede the vision of traffic along adjacent roads or unimproved roads.</p> <p>J. Be served adequately by essential public facilities and services, including but not limited to roads, unimproved roads, off-road parking, police, fire protection, drainage district, refuse disposal, water and sewage facilities, schools, etc.</p> <p>K. The Planning Commission may further require landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.</p>		<p>Parking will meet the requirements of the Zoning Ordinance.</p> <p>Current MDOT approval to be received regarding entrance/exit, shoulders, and line-of-site clearance prior to issuance of land use permit.</p> <p>Vegetative screening must meet the requirements of the Zoning Ordinance. If vegetative screening is damaged, destroyed, or dies, it must be replaced within a timely fashion.</p>
<p>SECTION 6.11 PERFORMANCE GUARANTEE</p> <p>To ensure compliance with the Zoning Ordinance and any condition imposed; the Planning Commission may require that a cash deposit, certified check, unconditional irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought or restoration of the site to a safe condition if the project is abandoned, be deposited with the Township Clerk to ensure faithful completion of the improvements, and also be subject to the following:</p> <p>A. The performance guarantee shall be deposited at the time of the issuance of the building permit</p>	<p>PC to Discuss – ZA to make recommendation at 7/18/2024 meeting after discussion with applicant and applicant’s staff.</p>	

<p>authorizing the activity of the project. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.</p> <p>B. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.</p> <p>C. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.</p>		
<p>SECTION 6.13 SPECIAL LAND USES Special land uses are uses permitted in a land use district which have unique characteristics that could possibly create problems, conflict with existing uses, or become a nuisance if located at an inappropriate site or without proper controls or limitations. Special land uses are, therefore, required to comply with additional conditions and standards for their operation and location. Prior to the issuance of a special land use permit, the requirements for such permit set forth in this Article shall be met in addition</p>		

<p>to all of the requirements for site plan review set forth in this Ordinance.</p>		
<p>SECTION 6.14 PRE-EXISTING SPECIAL LAND USE Any existing use actually undertaken, which is permissible by right in the district, shall continue as a permissible use even if that use is later designated a special land use. Any expansion of the original permissible use, later designated special land use, must proceed through the special land use process for approval.</p>		
<p>SECTION 6.16 ADDITIONAL SUBMITTAL REQUIREMENTS FOR A SPECIAL LAND USE</p>		
<p>A. Detailed description of the proposed special land use for which the permit approval is requested, which shall include, but not be limited to the following:</p> <ol style="list-style-type: none"> 1. The requirements provided in this Ordinance for site plan approval. 2. The title of the project. 3. Project completion schedule/development phases. 4. Supporting statements, evidence, and data, information, and exhibits that addresses the standards and requirements for the special use permit. 5. A statement of purpose, objectives, and development including: <ol style="list-style-type: none"> a. Discussion of the rationale for applying for a special land use permit, rather than developing the projected as a permitted use. b. Statement on the anticipated impact on the natural features, public facilities and services such as, but not limited to, police and fire protection, roads, and schools. c. A statement describing how the impacts 	<p>See above</p> <p>Provided A construction timeline of 18-24 months, broken into quarters, has been submitted.</p> <p>A statement regarding the rationale for SUP application is included in the 4/22/2024 communication from Sarh Bourgeois "RE: Glen Lake Manor".</p> <p>The statement does not cover items b-d.</p>	<p>The construction timeline will commence when land use and building permits have been issued.</p> <p>Zoning Administrator designated to monitor construction timeline and given latitude to adjust as necessary. Any disputes or major discrepancies will be brought to the PC.</p>

<p>from the proposed special land use will be minimized towards adjacent properties. d. A statement how the proposed special land use will be a benefit to the Township.</p>		
<p>SECTION 6.17 GOVERNING STANDARDS FOR A SPECIAL LAND USE In considering whether to grant, deny, or grant with conditions a special land use application, the Planning Commission shall establish that the following standards, together with all other requirements of this Ordinance, have been satisfied. The standards enumerated herein are intended to promote the intent and purpose of this Ordinance and to ensure that the land Use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed land use. These standards shall ensure that the proposed land use or activity is consistent with the public health, safety and welfare of the Township. Each proposed special land use application shall meet the following criteria prior to approval: A. The use shall be designed, constructed, operated and maintained so that it will not change the essential character of the land use district in which it is proposed. B. The use shall not unduly burden the capacities of public services and facilities affected by the proposed special land use nor result in excessive additional public cost for the creation of facilities and services not otherwise available. C. The use shall not adversely affect the natural environment, especially any creek, stream, lake, pond, or wetlands area.</p>	<p>PC to Discuss, including whether a specific condition should be created regarding the justification for Criterion A. – ZA to make recommendation at 7/18/2024 meeting after discussion with township attorney.</p>	

<p>D. The use shall not adversely affect farmland, but to the extent practicable preserve it as open space or buffer it with open space. E. The use shall not adversely impact any identified view corridors.</p>		
<p>SECTION 6.18 CONDITIONS AND SAFEGUARDS Additional conditions and safeguards may be imposed by the Planning Commission if such conditions are reasonable and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with adjacent uses of land, to promote the use of the land in a socially and economically desirable manner, and to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating the increased activity. Any conditions so imposed shall: A. Be designed to protect natural resources, including but not limited to modification of any setback requirements (only for Planned Unit Developments and Site Condominium Developments) and limitations on the area to be developed. B. Be designed to protect the health, safety, welfare, social and economic well- being of those who will be using the proposed special land use or activity under consideration. C. Be designed to protect Township residents, and lot owners adjoining the proposed special land use or activity, including but not limited to requirements such as screening, or the erection of natural or artificial barriers, or limitations on the time of day during which construction may occur, or during which special land use activities may be carried on.</p>	<p>PC to Discuss, including whether specific conditions should be created regarding the justification for Criteria C, D, and F. – ZA to make recommendation at 7/18/2024 meeting after discussion with township attorney.</p>	

<p>D. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to ensure compliance with those standards.</p> <p>E. Be necessary to ensure compliance with any part of the application received and approved by the Planning Commission.</p> <p>F. Meet the intent of the Empire Township Master Plan.</p>		
<p>ARTICLE 7 RESIDENTIAL DISTRICT</p>		
<p>SECTION 7.1 INTENT AND PURPOSE</p> <p>The Residential District is primarily for single-family residential dwelling units. The specific intent for this district is to encourage traditional single-family uses and to prohibit uses that would substantially interfere with the development of single-family dwelling units and to discourage any land use that would generate traffic other than the normal traffic to serve the nearby residences.</p>	<p>PC to Discuss, including whether a specific condition should be created regarding the justification for this standard. – ZA to make recommendation at 7/18/2024 meeting after discussion with township attorney.</p>	
<p>SECTION 7.3 SPECIAL LAND USES</p> <p>The following uses shall only be permitted with approval of a special land use permit by the Empire Township Planning Commission. The approval shall be based on the development meeting the general and specific requirements listed in this Zoning Ordinance.</p> <p>A. Lodge</p> <p>B. Guest house</p>		
<p>ARTICLE 13 NON-CONFORMING USES OR STRUCTURES</p>		
<p>SECTION 13.1 NON-CONFORMING USES</p> <p>Where, at the effective date of adoption or amendment of this Ordinance, a lawful use</p>	<p>There are existing non-conforming uses on the property.</p>	

<p>of land exists which is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:</p> <p>a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except upon the approval of the Planning Commission which shall hold a public hearing on the proposed expansion.</p> <p>b. No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance except upon the approval of the Planning Commission which shall hold a public hearing on the proposed move.</p> <p>c. The Planning Commission shall not approve the expansion or the move on the same lot of a non-conforming use unless it finds, after holding a public hearing, that the proposed expansion or move is necessary for the use to continue its profitability or usefulness, and that said expansion can be accomplished in a manner which will not have an adverse effect upon neighboring properties or the land use district in which the non-conforming use is located, and that the use following the expansion or move will be compatible with surrounding uses.</p>	<p>PC to Discuss, including whether a specific condition should be created regarding the justification for this standard. – ZA to make recommendation at 7/18/2024 meeting after discussion with township attorney.</p>	
<p>SECTION 13.2 CHANGES IN NON-CONFORMING USES No non-conforming use shall be changed to any other non-conforming use and any non-conforming use changed to a conforming use shall not thereafter revert to any non-conforming use.</p>		

<p>SECTION 13.3 DISCONTINUATION OF NON-CONFORMING USES</p> <p>Where, at the effective date of adoption or amendment of this Ordinance, any building, structure or land, the use of which has been permitted as a nonconforming use or nonconforming structure pursuant to the provisions of this Article is no longer intended by its owner to continue as a nonconforming use or nonconforming structure, the use of the land or the structure shall be discontinued. The owner’s intent to no longer continue the nonconforming use of the land or structure shall be established by a preponderance of the evidence which shall consider the following:</p> <ul style="list-style-type: none">A. Whether utilities have been disconnected.B. Whether any signs have been removed or have fallen into disrepair.C. Whether any fixtures within and outside the building have been removed.D. Whether the property has fallen into disrepair or is considered “blighted.”E. Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.F. Whether the classification of the property for tax purposes has been changed to reflect another use.G. Whether any license associated with the use has expired.H. Whether there are any other similar changes to the nonconforming structure or use. <p>Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:</p> <ul style="list-style-type: none">A Ownership or possession of the property is the subject of a pending Probate Court proceeding;B. The property is the subject of an Insurance		<p>Received a legal opinion in which the attorney opined there was not a discontinuation of the use.</p>
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<p>settlement dispute; or C. The property is the subject of an ongoing criminal investigation.</p>		
<p>SECTION 13.4 NON-CONFORMING STRUCTURES Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance which could not be built under the terms of this Ordinance by reason of restrictions on the lot area, lot coverage, building height, setbacks, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions: A. No such structure may be enlarged or altered in a way that increases its nonconformity. B. Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance. The sixty percent (60%) provision shall not apply to non-conforming single-family residential structures; however, application for rebuilding shall be made within one (1) year from the date of damage or destruction. C. Should such structure be moved any distance for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.</p>	<p>There are existing non-conforming structures on the property.</p> <p>The PC notes that the existing non-conforming main building is being enlarged to add staircases and an elevator, per Building Code requirements.</p> <p>The PC notes that reconstruction of portions of existing non-conforming structures will take place, per Building Code requirements.</p>	<p>Reconstruction and additions to existing non-conforming structures will be allowed, as required by Building Code and health and safety requirements. No other changes or additions to non-conforming structures will be allowed without approval of the Empire Township Zoning Board of Appeals.</p>
<p>SECTION 13.5 REPAIR OF NON-CONFORMING STRUCTURES Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in any nonconforming structure as may be necessary in the interest of public safety or</p>		

<p>to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to change any specific use, or extend or expand said use to adjoining property.</p>		
<p>SECTION 13.6 DESTRUCTION OF NON-CONFORMING STRUCTURES Nothing in this Ordinance shall bar or prevent the owner from reconstructing, repairing, restoring, and resuming the use of any non-conforming structure damaged by fire, collapse, explosion, acts of God, or of the public enemy occurring after the effective date of this Ordinance; provided, however, any such restoration shall be commenced within one (1) year and completed within two (2) years following the date of the damage, otherwise such use shall terminate. Reconstructed facilities will conform to current requirements for health, sanitation and safety. The reconstruction shall be limited to the original size of the structure and no such reconstruction shall be commenced until the plan for same has been reviewed and approved by the Zoning Administrator. Any expansion requires a land use permit.</p>		

Items for Discussion/of Concern:

- Further discussion to be held of need for traffic impact study/statement
- Further discussion to be held regarding event usage of lakefront – chairs, tables, tents, food service?
- Further discussion to be held regarding allowed locations of outdoor event usage on the property
- Further discussion to be held regarding products for market sale
- Further discussion to be held regarding creation of conditions regarding justification for this application meeting key standards for SUP approval.

Items in Process by ZA/Attorney/Applicant:

- Performance guarantee
- Package liquor sales license/ability to regulate
- Draft conditions for key standards