

LEELANAU TOWNSHIP
LEELANAU COUNTY, MICHIGAN

Ordinance No. 1 of 2022

ADOPTED MARCH 28, 2022

AN ORDINANCE TO AMEND THE LEELANAU TOWNSHIP ZONING ORDINANCE BY AMENDING ARTICLE 2 – DEFINITIONS, ARTICLE 3 – LAND USE DISTRICTS, ARTICLE 7 – COMMERCIAL DISTRICTS, AND ARTICLE 15 – ENVIRONMENTAL STANDARDS

THE TOWNSHIP OF LEELANAU ORDAINS:

Leelanau Township Ordinance Part 1: Amendment of Section 2.2.B

Section 2.2.B is hereby amended to delete the following current definitions:

~~**CAMPGROUNDS** – a tract of land developed to accommodate low density, short duration camping in tents, not including recreational vehicles. Campgrounds shall require sanitation facilities approved by the Department of Health. (Adopted Effective 3-1-02)~~

~~**RECREATIONAL VEHICLE PARK AND CAMPGROUND** – A parcel or tract of land under the control of a person, a business, or corporation, which is intended to accommodate two (2) or more recreational vehicles and/or tent sites wither free of charge or for revenue purposes, as licensed by the Michigan Department of Health, having such required accessory buildings as central shower and toilet facilities, central laundry and utility buildings; and also includes recreational facilities such as playground areas, etc., all designed and used to serve transient or seasonal type guests in said park and campground.~~

~~**RECREATIONAL VEHICLES** – Any unit which is licensed and/or unlicensed and is used or so constructed as to permit it to be used as a temporary seasonal or vacation type home for sleeping or housekeeping by one (1) or more persons, and has it's own motive power or is mounted on or drawn by another vehicle which is self powered. Such units may consist of: travel trailers, camping trailers, pop-up campers, motor homes, truck campers, house cars, slide-in campers, chassis-mount campers, or any other similar units; as defined in Public Act 171, Michigan Public Acts of 1970. Recreational vehicles do not include boats or mobile homes (as defined by this Ordinance.)~~

~~**SET-BACK LINES** – Lines established parallel to a property line along highway or waters edge for the purpose of defining limits within which no building or structure or any part there of shall be erected or permanently maintained.~~

Leelanau Township Ordinance Part 2: Amendment of Section 2.2.B

Section 2.2.B is hereby amended to add the following definitions in alphabetical order:

CAMPGROUND means a parcel or tract of land under the control of a person or any entity in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for two (2) or more recreational units. A campground does not include a seasonal mobile home park licensed under the State of Michigan mobile home commission act, as amended. This definition includes a recreational vehicle park. Under Michigan Law, campgrounds consisting of five (5) or more recreational units must be licensed by the State of Michigan.

RECREATIONAL UNIT means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered.

Recreational Unit includes the following:

1. **TENT** means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.
2. **TRAVEL TRAILER** means a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
3. **CAMPING TRAILER** means a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
4. **MOTOR HOME** means a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
5. **TRUCK CAMPER** means a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:
 - a. A slide-in camper means a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 - b. A chassis-mount camper means is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
5. **PARK MODEL RECREATIONAL UNIT** means a recreational unit that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the set-up mode, and that is certified by the manufacturer as complying with American National Standards Institute Standard A119.5.
6. **CAMPING SHELTER** means a recreational unit that is a hard-sided tent or shelter, that is less than 400 square feet in area, that is on skids designed to facilitate relocation from time to time, and that does not have a direct connection to a source of water.

A recreational unit does not include a mobile home.

PRIMITIVE CAMPGROUND means a campground where a service building that has water flush toilets is not provided and where sewer connections are not provided to sites.

IMPERVIOUS SURFACE means any hard-surfaced, man-made area that does not readily absorb or allow stormwater to infiltrate into the ground, including but not limited to buildings, roofs, or paved parking, driveways, roads, sidewalks, or paved athletic/sport courts. This does not include gravel

surfaces, wood decks, brick pavers, “green” roofs, or pavements that are designed to be permeable.

IMPERVIOUS SURFACE COVERAGE means the percentage of the gross lot area covered by impervious surfaces, as defined herein.

PERMANENTLY SUBMERGED LANDS means those lands that are always beneath water.

GRADING means the act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

SETBACK means the required minimum horizontal distance between any part of a structure, building (including eaves), or other designated object, and the related property line, easement, right-of-way, shoreline, waterfront, wetland, bluff line, or designated feature or datum.

SETBACK LINES: Lines marking the required setback distance from the lot lines which establish the minimum permitted front, side, or rear yards as follows:

1. **Front Setback Line:** The line marking the required setback distance from the front lot line, right-of-way, or street easement line, as applicable, which establishes the minimum front setback area.
2. **Rear Setback Line:** The line marking the required setback distance from the rear lot line which establishes the minimum rear setback area.
3. **Side Setback Lines:** Those lines marking the required setback distance from the side lot lines which establish the minimum side setback area.
4. **Waterfront Setback Line:** The line marking the required setback distance from the Waterfront Setback Datum as defined in this ordinance.

(Refer to Figures 2.2.C.1 and 2.2.C.2 for illustrations)

LOT LINES: The property lines or other described lines bounding the lot or parcel as follows:

1. **Front Lot Line:** The front lot line shall mean any line separating such lot from such street right-of-way or easement.
2. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.
 - a. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
 - b. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
3. **Side Lot Line:** Any lot line not a front lot line, rear lot line or waterfront line.

LOT, CORNER means a lot adjacent to two (2) or more streets, roads, or easements at their intersection. Front setbacks shall be required from the right-of-way or easement line of both streets or roads. Side setbacks shall be required from the remaining lot lines. See Figures in 2.2.C

LOT, THROUGH means a lot, other than a corner lot, having frontage on two parallel, or approximately parallel, streets, roads, or easements. Front setbacks shall be required from the right-of-way or easement line of both streets or roads. Side setbacks shall be required from the remaining lot lines. See Figures in 2.2.C

Leelanau Township Ordinance Part 3: Amendment of Article 2 – Definitions, to add Section 2.2.C and add Figure 2.2.C.1 and Figure 2.2.C.2

Section 2.2 is hereby amended to add Section 2.2.C Figures Supporting Definitions in its entirety as follows:

SECTION 2.2 DEFINITIONS

SECTION 2.2.C – FIGURES SUPPORTING DEFINITIONS IN 2.2.B

Figure 2.2.C.1

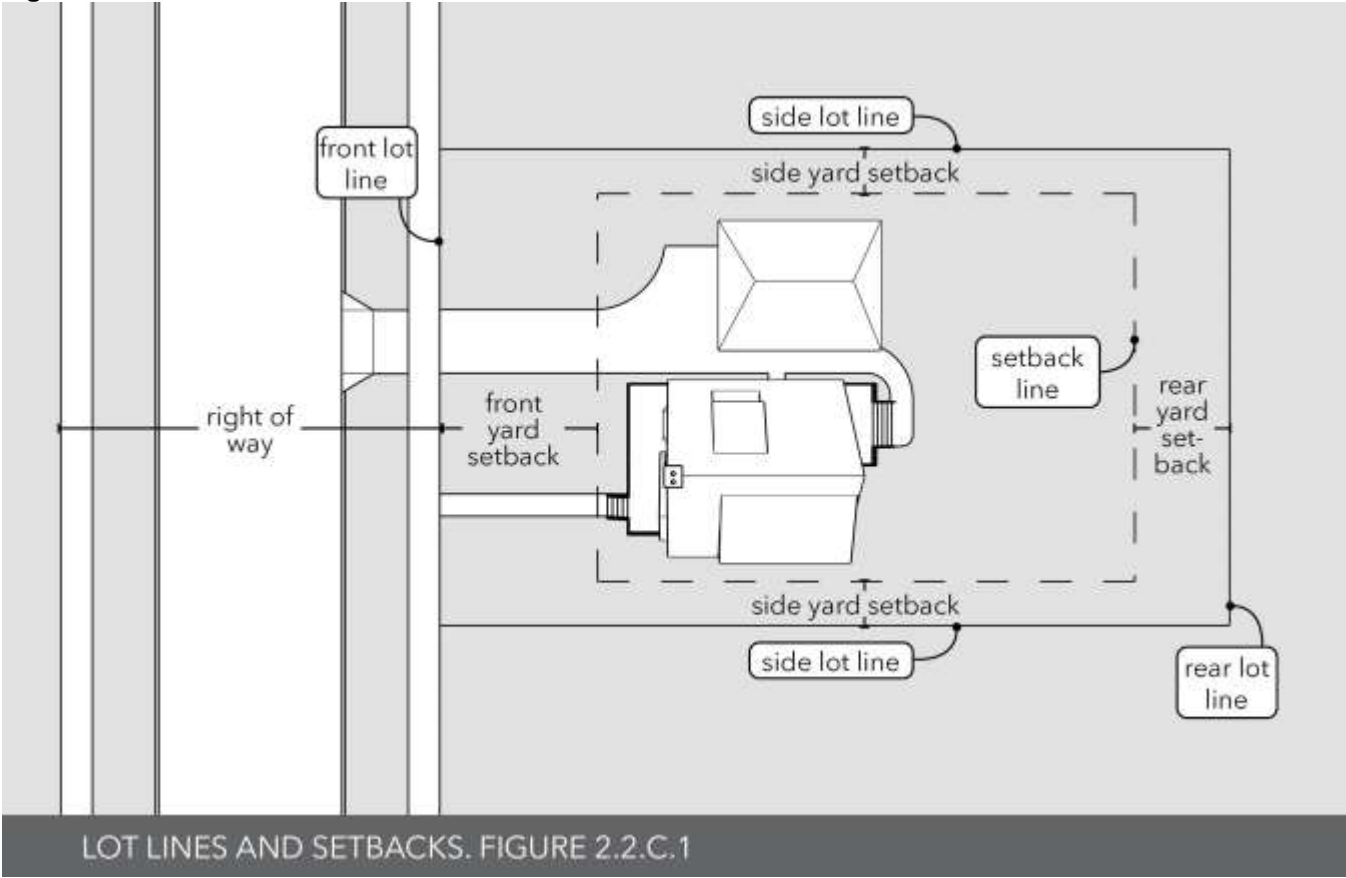
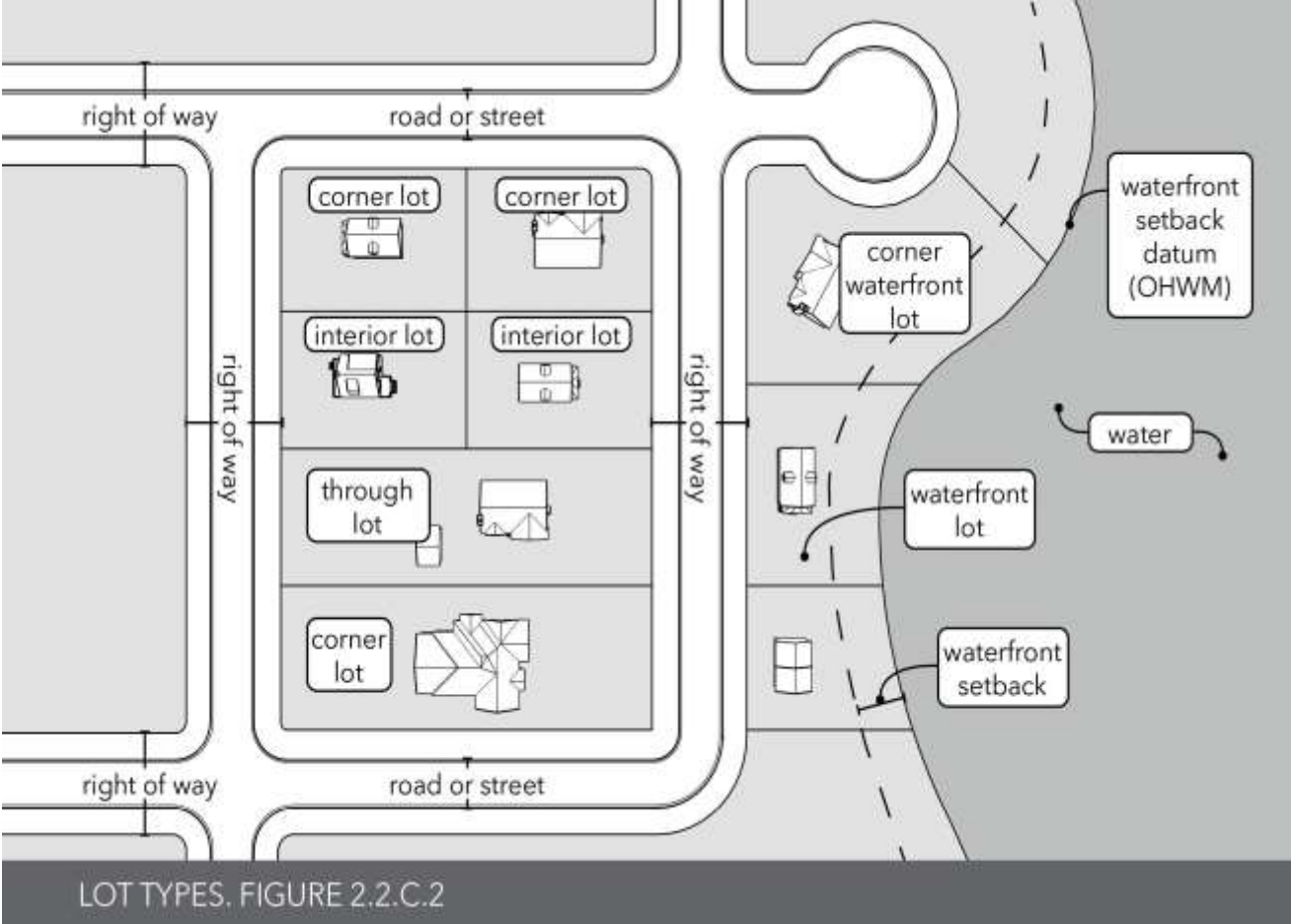


Figure 2.2.C.2



LOT TYPES, FIGURE 2.2.C.2

Leelanau Township Ordinance Part 4: Amendment of Article 3 – Land Use Districts, Section 3.5 – Table 3.5.A – Schedule of Regulations

1. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to change the waterfront setback in the CR (Commercial Resort) District from 40' to 125'.
2. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add the words “or private” to footnote (19) as follows:

(19) A minimum setback of seventy-five (75) feet is required from a public or private road not wholly contained within the boundaries of the project parcel.
3. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add footnote (26) as follows:

(26) Setbacks on Corner Lots: Front Setbacks shall be required from the right-of-way or easement line of both streets or roads. Side Setbacks shall be required from the remaining lot lines.
4. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add footnote (27) as follows:

(27) Setbacks on Through Lots: Front Setbacks shall be required from the right-of-way or easement line of both streets or roads. Side Setbacks shall be required from the remaining lot lines.
5. Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add the word “wetlands” to footnote (22) a and b as follows:

(22) a. “.....the maximum number of dwelling units permitted shall not exceed the number derived from dividing the total parcel acreage, exclusive of permanently submerged lands, **wetlands**, and all right-of-ways and easements for roads”

b. “.....the maximum number of dwelling units permitted shall not exceed the number derived from dividing the total parcel acreage, exclusive of permanently submerged lands, **wetlands**, and all right-of-ways and easements for roads”

Leelanau Township Ordinance Part 5: Amendment of Article 3 – Land Use Districts, Section 3.5 – Table 3.5.A – Schedule of Regulations

Section 3.5 – Table 3.5.A – Schedule of Regulations is hereby amended to add a standard for maximum impervious surface coverage for the CR (Commercial Resort) District and add footnote (28) as follows:

District	Maximum Impervious Surface Coverage (percent) (28)
CR	25%

(28) Impervious surface coverage shall be measured as a percentage of the gross acreage of the parcel(s)

Leelanau Township Ordinance Part 6: Amendment of Section 7.3

Section 7.3 is hereby amended to remove the reference to golf courses in the intent of this District as follows:

The intent of this District is to:

- Offer limited outdoor recreation opportunities such as Recreational Vehicle Parks, Marinas, ~~Golf Courses~~, and Active and Passive Recreation.

Leelanau Township Ordinance Part 7: Amendment of Section 7.3.C.3

Section 7.3.C.3 is hereby amended in its entirety as follows:

Section 7.3.C (Special Uses in the Commercial Resort District)

3. Campgrounds (including Recreational Vehicle (RV) Parks):

a. Intent:

It is the Intent of the Commercial Resort District that campgrounds (including recreation vehicle parks), when sited, buffered, and conducted properly, can be an acceptable use in a Commercial Resort Zoning District. Historically, there have been campgrounds in operation in this district.

Campgrounds, however, have the potential to disrupt neighboring residential areas by virtue of noise, traffic, smoke, trespassing, impact on the natural environment, and impact on public facilities and services. There is also the potential for overuse of the shorelines in this District.

It is the intent of these standards, in conjunction with other applicable standards contained in this ordinance, to minimize these potential impacts.

It is the intent of Leelanau Township to limit the potential impacts on surrounding properties by considering factors such as noise, traffic, topography, size of the parcel, density, dedicated open space, surrounding land uses, and proximity to residential areas during the review of each application.

It is also the intent to minimize or eliminate impacts on the natural features of the district through these standards and through Article 15 – Environmental Standards and Review.

It is the intent of Leelanau Township that campgrounds be temporary or seasonal living quarters, not permanent housing or a commercial storage facility.

b. Location and General Standards

1. Access to a campground must be on a state highway or primary county road.
2. Licensing – A campground with five (5) or more recreational units must be licensed by the State of Michigan. Campgrounds with less than five (5) recreational units shall comply with any applicable Health Department rules and regulations.
3. Density/Maximum Allowable Number of Recreational Units: The maximum allowable number of recreational units in a Commercial Resort Zoning District is based upon Footnote (22) in Section 3.5.A of this ordinance, and shall be calculated as follows:
 - i. In accordance with Footnote (22.a) in Section 3.5.A of this Ordinance, the maximum number of “dwelling units,” or recreational units permitted at a campground shall not exceed the number derived from dividing the total parcel acreage, exclusive of wetlands, permanently submerged lands and all rights-of-way and easements for roads, including boundary and access roads, by 0.35.
 - ii. Recreational units that are present on a designated camping space for longer than two-hundred (200) days in any calendar year shall count as 1.75 recreational units for purposes of determining density. This is following the intent of this District that Campgrounds be temporary or seasonal living, and not permanent.
 - iii. Any other type of proposed lodging or dwelling on the same property or within the same development shall be included in the maximum allowable units and calculated based upon the factor in Footnote (22.c) in Section 3.5.A.

- iv. The Planning Commission may establish a maximum number of allowable recreational units based upon the impact on surrounding properties and public facilities, including, but not necessarily limited to, roads, residential areas, the natural environment, and public services.
4. Sewer and Water Facilities
 - i. Primitive Sites are acceptable if approved by the State of Michigan and local Health Department.
 - ii. Michigan Campground Rules require a connection to local government sewer system if available (R 325.1561 Rule 11), as determined and defined by the State of Michigan.
 - iii. Campground sewer and water facilities will be reviewed by the Planning Commission and/or their consultant(s) for compliance with this ordinance.
 5. Campground Setbacks
 - i. There shall be a minimum one-hundred (100) foot setback from any camping space, campground structure, accessory use, or access road, to any property line or right-of-way line.
 - ii. The Planning Commission may require a greater setback distance from lots used or zoned for residential purposes, if, in its sole judgement, such additional setback is required to maintain the integrity of residential uses.
 - iii. The setback for access roads shall not apply where the access road joins an approved entrance or exit from a state highway or county road. The access road setback may be reduced by the Planning Commission if the Planning Commission determines that there is adequate buffering and that there would be no adverse impact on the neighboring properties.
 6. Park Model Recreational Units and Camping Shelter Recreational Units
 - i. In order to minimize the potential impact of closely spaced units of uniform design on the character of a Commercial Resort District, the number and layout of park model recreational units and camping shelters will be reviewed by the Planning Commission. The Planning Commission will review the proposed location, spacing, density, landscaping, buffering, design, and duration of stay of these units when making their determination of the total allowable and layout of park model and camping shelter recreational units. In no case shall the total number of park model recreational units and camping shelter recreational units exceed 35% of the total recreational units in a campground.
 - ii. The number, location, and layout of park model recreation units and camping shelters shall be shown on the site plan and described in the management plan.
 - iii. The management plan shall include the duration of time that the park model recreational units and camping shelters will occupy recreational unit sites. Recreational units that occupy a designated campsite for longer than two-hundred (200) days in any calendar year will be considered as 1.75 recreational units for purposes of calculating allowable density. This is intended to encourage temporary and seasonal recreational units.
 - iv. There shall be no accessory buildings or structures attached or adjacent to a park model recreational unit or camping shelter, except for an access landing, steps, and handicap access ramp, unless approved by the Planning Commission.

7. Access Roads – The interior access road design and layout shall be reviewed by the Planning Commission and the Fire Department to ensure adequate emergency service access and logical traffic flow.
 - i. The minimum access road width shall be twenty (20) feet in accordance with the State of Michigan Campground Rules.
 - ii. During campground operations, access roads must be kept clear of obstructions at all times to ensure emergency vehicle access.
 - iii. Entrances and access from any state highway or county road shall be approved by the appropriate road agency.
 - iv. Access roads are subject to setbacks except where they intersect a public road system, or as determined by the Planning Commission per Section 7.3.c.3.b.5.

8. General Layout Requirements. General layout requirements shall be reviewed pursuant to Section 7.3.E.

9. Outdoor Storage of Recreational Units, Watercraft, & Trailers.

Outdoor storage of recreational units, watercraft, and/or trailers shall be prohibited unless the storage is located in an approved, secured, and screened location not visible from rights-of-way or adjacent properties. To this end, the Planning Commission may require a greater setback distance to ensure compliance with this standard. Outdoor storage areas shall only be used by overnight guests or tenants of the campground and shall not be used as a commercial storage facility by the general public.

10. Buffering, Screening, Landscaping and Fencing.
 - i. Landscaping, fencing, and screening shall comply with the requirements of Section 17.3.
 - ii. In accordance with Section 7.3.F, Special Buffering Requirements, the Planning Commission may require additional buffering, screening, fencing, or landscaping to minimize impacts on surrounding property based upon topography, location, proximity to residences, or other impacts.
 - iii. The boundaries of a campground shall be clearly marked with a fence and signage as determined by the Planning Commission. Signs shall be permanent signs spaced no greater than every one hundred (100) feet and shall be facing inward towards the campground. Such signs are intended as informational boundary markers for campers, not for advertisement purposes. Each sign shall be no greater than one hundred eighty (180) square inches in area.

11. Dedicated Open Space. Dedicated Open Space shall be reviewed pursuant to Section 7.3.G.

12. Accessory Structures and Uses.
 - i. Accessory Structures and Uses: Structures and uses that are normally associated with a campground shall be reviewed by the Planning Commission for appropriateness and compatibility. Such structures and uses may include, but are not necessarily limited to offices, bathrooms, recreation rooms, camp store(s), laundry facilities, pavilions,

gazebos, playgrounds, recreational courts or fields, picnic areas, swimming areas, and maintenance structures. Accessory structures and uses shall primarily serve the registered overnight guests of a campground and their guests. At no time shall an accessory use become a principal use of the property.

- ii. Employee Housing. Employee Housing may be approved as part of a campground, either as a recreational unit or permanent dwelling structure. Such structures shall be included in the overall density outlined in Section 3.5.A, Footnote 22, hereof, shall be described in the campground management plan, and shall be indicated on the site plan.
- iii. Accessory Special Uses. Accessory special uses shall be reviewed pursuant to Section 7.3.D – Appropriateness, hereof.

13. Prohibited Uses and Activities. No part of the campground may be used for the following purposes:

- i. Firearms shooting ranges.
- ii. Motocross, off-road vehicle, or motorized go-cart use or tracks.
- iii. Public performances, concerts, or amplified camp-wide gatherings.
- iv. Permanent structures at campsites, including, but not limited to, decks, porches, or storage sheds, except as allowed herein.
- v. Non-emergency or routine maintenance or servicing of recreational vehicles or motorized vehicles.
- vi. Sky lanterns are prohibited under the Leelanau Township Sky Lantern Ordinance, as amended.

c. Operational Standards

- 1. An on-site manager shall be required at all times for campgrounds with five (5) or more Recreational Units. The on-site manager shall have authority from the owner/operator to address any issues.
- 2. Noise of any kind emanating from campground activities shall not exceed 75dba at any property line at any time, except for construction or normal maintenance activities. Quiet Hours are 10:00 p.m. to 8:00 a.m. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort, or repose of a reasonable person with normal sensitivities. Campground activity must comply with the Leelanau Township Nuisance Ordinance, as amended.
- 3. All outdoor lighting, including recreational unit lighting, shall meet the Leelanau Township Nuisance Ordinance, as amended.
- 4. All signage shall be in compliance with the Leelanau Township Zoning Ordinance and shall be approved by Leelanau Township.
- 5. Any consumer fireworks shall be in compliance with the Leelanau Township Fireworks Ordinance, as amended.
- 6. Campgrounds shall obtain and maintain any required permits or licenses from the State of Michigan, Leelanau County, and/or Health Department.

d. Additional Submittal Requirements

In addition to the regular items required for Major Site Plan Review, an application submittal for a campground shall be accompanied by the following information:

1. Management Plan: As part of a submittal for special use approval for a campground, the applicant shall present a detailed management plan for the facility. Such management plan shall include, but not be limited to the following information. The continued compliance with the terms of the management plan shall be a condition of any approval granted under this section.
 - i. The total number of camping spaces proposed.
 - ii. The hours and seasons that the facility will operate.
 - iii. The maximum permitted duration of site occupancy.
 - iv. The duration of time that a recreational unit will annually occupy a camping space.
 - v. The general nature of recreational units, camping shelters, and related equipment anticipated on-site.
 - vi. The nature of services and facilities to be offered to registered overnight guests.
 - vii. Detailed policies, measures, and enforcement procedures to deal with noise, rowdy behavior, and similar nuisances.
 - viii. Detailed measures to mitigate impact from smoke on neighboring properties.
 - ix. Detailed measures planned to prevent trespassing on neighboring properties.
 - x. Detailed emergency management plan, including coordination with local emergency services, including severe weather events.
 - xi. Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.
2. Traffic Study/Traffic Impact Assessment, unless it is determined by the Planning Commission to be not applicable to a specific project.
3. Location, basis of design, plans, details, and operational plans for sewer and water facilities.
4. Items required by Article 15 - Environmental Standards.

Leelanau Township Ordinance Part 8: Amendment of Article 15 – Environmental Standards - Section 15.5.A

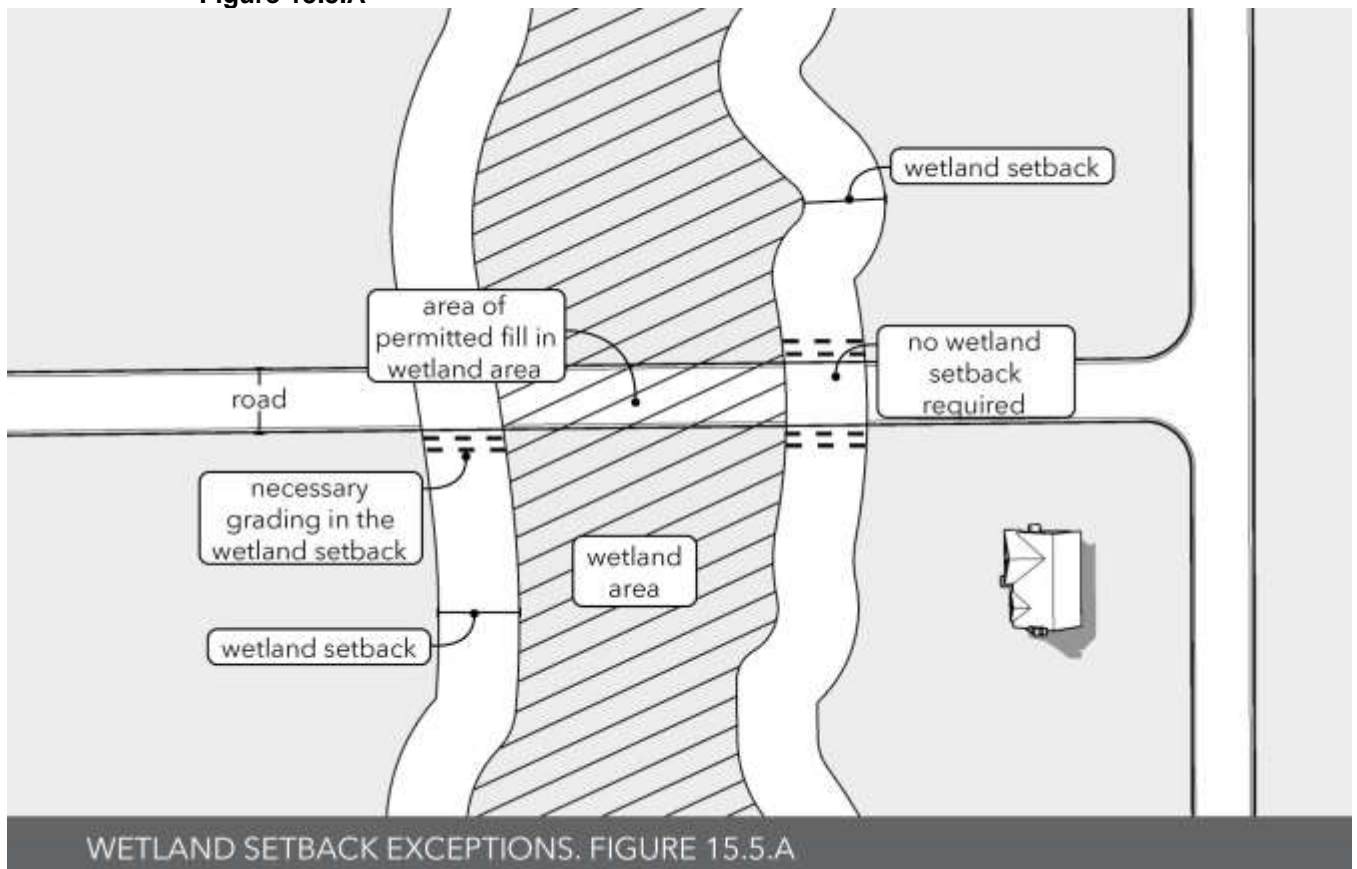
Section 15.5.A is hereby amended in its entirety to read as follows:

SECTION 15.5 SPECIAL REQUIREMENTS

A. Wetlands:

1. Wetlands are regulated by the State of Michigan – Permits must be obtained as required by the appropriate department.
2. Wetland Setbacks: In order to help protect wetlands (as defined herein) from degradation associated with development, the following standards shall apply to all Special Land Use Permits and Major Site Plan Reviews as defined in this ordinance:
 - a. There shall be a setback of not less than twenty- five (25) feet between a wetland and any structure or impervious surface.
 - b. There shall be a grading setback of not less than ten (10) feet between a wetland and any grading, as defined herein.
 - c. These setbacks will not be imposed adjacent to the immediate area, including necessary grading where a permit has been issued by the State of Michigan to impact the wetlands, including any approved road crossings. See Figure 15.5.A.
 - d. The grading setback area can be mowed, however, no grading may take place unless a variance is granted as provided in Section 10.4 Appeals.

Figure 15.5.A



Leelanau Township Ordinance Part 9: Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Leelanau Township Ordinance Part 10: Effective Date

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

Ordinance No. 1 of 2022 was hereby adopted on the 28th day of March, 2022 by the Leelanau Township Board of Trustees as follows:

Motion by:	<u>Sanders</u>
Seconded by:	<u>Harder</u>
Yeas:	<u>Harder, Alpers, Murray, Dunn, Sanders</u>
Nays:	<u>None</u>
Absent:	<u>None</u>

MOTION CARRIED – ORDINANCE ADOPTED

I certify that this is a true copy of Ordinance No. 1 of 2022 that was adopted at a special meeting of the Leelanau Township Board on March 28, 2022 and published in the Leelanau Enterprise on April 7, 2022.

Jessica Alpers,
Leelanau Township Clerk