

**Submittal of an Application for a Zoning  
Ordinance Amendment for the**

# **Cultural District Overlay**

Submitted to

**Leland Township**

By

**Leland Township Library**

**Leelanau Historical Society Museum**

**Old Art Building**

May 20, 2025

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May 20, 2025

Tim Cypher, Zoning Administrator  
Leland Township  
PO Box 238  
Lake Leelanau, MI 49653

**Re: Zoning Ordinance Amendment Request – 5-19-25 Revised Submission**

Mr. Cypher,

On behalf of the applicants Old Art Building, the Leland Township Public Library, and the Leelanau Historical Society, we are pleased to submit this revised version of the proposed amendment to the language of the Leland Township Zoning Ordinance (Ordinance) for the consideration of the Planning Commission and Township Board. The proposed amendment would create a new district overlay for three parcels of land within the Leland Village Area to allow for the continued use and expansion of the existing non-profit organizations with community-based missions that own or lease portions of the subject parcels. Inspired by the efforts to preserve another unique area of Leland through the tools afforded by community planning and zoning – the Fishtown Historic District – the Old Art Building, Leland Township Public Library, and Leelanau Historical Society have collaborated on the creation of the proposed Ordinance amendment that seeks to eliminate nonconformities at existing facilities and provide for the future expansion of the organizations’ existing uses to further serve the cultural and educational needs of the community. This revised submission makes changes to the proposed Zoning amendment language based on discussion at the 2-19-25 Planning Commission meeting and additional research and consideration by the applicants.

Parts 1.A & 1.B of Application

Based on the nature of these organizations, the proposed district overlay is being referred to as the “Cultural District Overlay” and will provide new zoning standards for cultural and community uses on the three subject parcels, all of which are currently zoned R-2. Two of these parcels have been historically used for cultural, educational, and institutional purposes and are home to the Old Art Building, the Leland Township Library, and the Leelanau Historical Society’s museum and archives. The third is an adjacent parcel that has historically been used as a single-family residence but has recently been acquired by Old Art Building. The current R-2 zoning of the parcels in the proposed district creates non-conformities on these parcels, causing potential issues for their future use, improvement, and expansion. Specific proposed Ordinance amendment language for the creation of the new Cultural District Overlay has been included with this submission. The proposed amendment would provide security and flexibility to the organizations within the district overlay so that they can continue to provide valuable services to the community. The applicants have historically utilized their parcels for uses listed in the proposed Ordinance Amendment (library uses, community gatherings, events, art displays/exhibitions, instructional programming, historical museum, research and archival storage, etc.) and see this Amendment as a way to formalize the continuation of these ongoing, historic, legally non-conforming uses within the Overlay and to reduce use non-conformity within this specific area of the Township.

As required by the Township's Petition for Zoning Ordinance Amendment form, the names, addresses, and property legal descriptions of the applicants and the impacted parcels are:

Parts 2.A & 2.B of Application

Old Art Building

111 S. Main Street (PID: 45-009-750-151-70)

Legal Description: LOTS 1, 2, 3 & 4 BLK 17 VILLAGE OF LELAND INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LELAND RIVER (A/K/A CARP RIVER) WITH FULL REPARIAN RIGHTS SEC 9 T30N R12W 0.66 A M/L

204 E. Cedar Street (PID: 45-009-750-220-00)

Legal Description: BLK 22 EXC SLY 75 FT (A/K/A LOT 1 & S 1/2 LOT 3) VILLAGE OF LELAND INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LELAND RIVER (A/K/A CARP RIVER) WITH FULL REPARIAN RIGHTS SEC 9 T30N R12W 1.14 A M/L

Leland Township Public Library and Ground Lessee: Leelanau Historical Society

203 E. Cedar Street (PID: 45-009-750-210-50)

Legal Description: BLK 21 EXC WLY 25 FT VILLAGE OF LELAND INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LELAND RIVER (A/K/A CARP RIVER) WITH FULL REPARIAN RIGHTS SEC 9 T30N R12W 0.8 A M/L

The following information has been included with this cover letter to satisfy the Ordinance Amendment application requirements and provide sufficient detail to the Planning Commission for their review of the request:

- Draft Proposed Zoning Ordinance Amendment Language, including a Cultural District Overlay Master Plan drawing
- Responses to Criteria for Ordinance Text Amendments
- Proposed Cultural District Overlay Vicinity Map
- Notes from the initial project stakeholders meeting
- Notes from the applicant's/consultant's meeting with the Leelanau County Road Commission discussing the proposed Ordinance amendment and potential changes within public street rights-of-way
- Conceptual Right-of-Way Plan showing proposed parking and circulation improvements to streets adjacent to properties included within the District
- Sound Study Report detailing results of a sound study conducted on the 204 E. Cedar St. property to measure potential sound impacts of future outdoor events on the site
- Excerpts from the Leland Township Master Plan with highlighted language that supports the proposed amendment. Additional Master Plan support for the proposed amendment can be found in the Responses to Criteria for Zoning Amendment Adoption beginning on page 8 of this document

It should be noted that the Conceptual Right-of-Way Plan provided for inclusion with the Ordinance amendment shows potential improvements to streets and parking areas within the public street rights-



of-way adjacent to properties within the proposed District. While these elements fall outside of the Zoning purview of the Township, they have been included as the applicants' recognize that traffic and on-street parking congestion can negatively impact the surrounding neighborhood and the village area as a whole. Modification of the existing traffic pattern on First St. (switch to one-way) and the inclusion of additional striped on-street parking in the area is proposed in order to provide better delineation of vehicular circulation and permissible parking locations to limit potential impacts on surrounding neighbors. The applicants have met with the Leelanau County Road Commission to discuss these possible changes and notes from this meeting are included with this submission. These changes within the right-of-way are permissible but must be initiated by the Township. Old Art Building intends to fund the construction and maintenance of the improvements and coordinate their implementation with the development of the 204 E. Cedar Street parcel.

The applicants and I look forward to discussing this proposal with you and the Planning Commission at an upcoming meeting and believe that the proposed amendment language will benefit not only the applicants but the Township as a whole.

Should you have any questions, please feel free to call me at (231) 946-9310 ext. 1008 or email me at [dusty@maaeps.com](mailto:dusty@maaeps.com).

Sincerely,  
Mansfield Land Use Consultants



Dusty Christensen, LLA

CC: Kerry Satterwhite, Old Art Building (with enclosures)  
Kathleen Acker, Old Art Building (with enclosures)  
Rick Koehler, Old Art Building (with enclosures)  
Sarah Mills, Old Art Building (with enclosures)  
Berkley Duck, Leland Township Public Library (with enclosures)  
Mark Morton, Leland Township Public Library (with enclosures)  
Kim Kelderhouse, Leelanau Historical Society (with enclosures)  
Chuck Schroer, Leelanau Historical Society (with enclosures)

**Proposed Leland Township Zoning Ordinance Amendment Language**

**Section XX.XX (To Be Determined): Cultural District Overlay**

**A. Intent**

The Cultural District Overlay (the “District”) is intended to:

1. Allow for the continuation of the existing cultural, educational, and community uses within the District to ensure that their purposes are memorialized in perpetuity for the benefit of the public.
2. Facilitate and foster the future use of the properties within the District to allow for the legal occupants to fulfil their community-based missions.

**B. Boundaries, Ownership, and Control**

The properties within the District are those owned and/or operated by non-profit and/or community service and cultural organizations adjacent to the Leland River along Cedar and First Streets, east of S. Main Street (M-22). More specifically, the parcels included in the District are:

111 S. Main Street (PID: 45-009-750-151-70)

Owner: Leelanau Community Cultural Center (AKA Old Art Building)

Legal Description: LOTS 1, 2, 3 & 4 BLK 17 VILLAGE OF LELAND INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LELAND RIVER (A/K/A CARP RIVER) WITH FULL REPARIAN RIGHTS SEC 9 T30N R12W 0.66 A M/L

203 E. Cedar Street (PID: 45-009-750-210-50)

Owner: Leland Township Public Library

Ground Lessee: Leelanau Historical Society

Legal Description: BLK 21 EXC WLY 25 FT VILLAGE OF LELAND INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LELAND RIVER (A/K/A CARP RIVER) WITH FULL REPARIAN RIGHTS SEC 9 T30N R12W 0.8 A M/L

204 E. Cedar Street (PID: 45-009-750-220-00)

Owner: Old Art Building

Legal Description: BLK 22 EXC SLY 75 FT (A/K/A LOT 1 & S 1/2 LOT 3) VILLAGE OF LELAND INCLUDES ALL LAND BETWEEN SIDELINES TO WATERS EDGE OF LELAND RIVER (A/K/A CARP RIVER) WITH FULL REPARIAN RIGHTS SEC 9 T30N R12W 1.14 A M/L

**C. Uses Permitted**

The Uses permitted by right within the District are: arts/educational classes; artist studios; community gathering/collaboration spaces; outdoor classroom spaces; library uses; museum uses; research center/archival storage; indoor and/or outdoor gatherings (festivals, fundraisers, events); temporary and permanent outdoor art and historic exhibitions; interpretive signage, wayfinding/directional signage, and educational displays; temporary food trucks in conjunction with events and programs; plays, educational speakers, and performances; art shows; special events; passive recreational uses

(riverwalk, picnicking, nature viewing, short-term transient boat docking); community classes; community meeting spaces; art galleries; on-site artistic/scholarly temporary residency; office/administration spaces; historical markers; and accessory structures related to a permitted use.

Changes within the District that would otherwise require a Land Use Permit under the provisions of Section 3.03 A of this Ordinance shall be subject to review by the Leland Township Zoning Administrator. The Zoning Administrator shall approve any change that is consistent with the language included within this Section (Section XX.XX) and the 'Cultural District Overlay Master Plan' ('District Master Plan'). If the Zoning Administrator should find that a proposed change is not consistent with the District Master Plan, then the change shall require review and approval by the Leland Township Planning Commission under the standards for special land uses set forth in Section 16.01 of the Ordinance.

#### **D. Dimensional Standards**

The following dimensional standards shall apply to improvements in the District:

Front Setback:	5 feet
Side Setback:	8 feet
Rear Setback:	10 feet
Water's Edge Setback:	25 feet for primary and accessory structures. 5 feet for art installations (sculptures, banners, etc.), educational/interpretive signage, historic/cultural artifact/marker installations.
Setback from M-22 (Main St.):	Buildings/Permanent Structures: 25' Temporary Structures, Signs, Art Installations: 5'
Building Height:	35' maximum
Maximum Lot Coverage:	40%

#### **E. Additional Standards**

1. Signage. The following signage standards shall apply in the District:
  - a. Entrance Signs. Each parcel within the District shall be permitted one wall-mounted or freestanding entrance sign not to exceed thirty-two (32) square feet. Such signs shall not be internally illuminated. Moving, revolving, or flashing components are not permitted. Entrance signs shall be permitted subject to review and approval by the Zoning Administrator.
  - b. Identification and wayfinding signs. Two organization identification signs, either wall-mounted or freestanding, per legal occupant organization (may be multiple on a single parcel), each sign not to exceed sixteen (16) square feet, shall be permitted subject to review and approval by the Zoning Administrator. Wayfinding signs to direct pedestrian and vehicular traffic and identify appropriate entrances shall be permitted, with any individual occupant wayfinding sign not to exceed three (3) square feet. For the purposes of this Section, the community room presently located between

the Leland Township Public Library and the Leelanau Historical Society (commonly referred to as the Munnecke Room) shall be deemed to be a separate legal occupant.

- c. A legal occupant whose building is located within twenty (20) feet of the public right-of-way of Cedar Street may attach to its building one sign extending perpendicular to the public right-of-way. Such signs shall not exceed 10 square feet in size.
  - d. Educational and interpretive installations. Interpretive plaques, banners, waysides, signs, sculptures, and murals for the purpose of providing education and information related to a permitted use (art installation, historical/cultural interpretation, environmental education, etc.) shall be permitted subject to review and approval of the Zoning Administrator.
  - e. Temporary or portable signs. Temporary or portable signage advertising a particular event, program, or installation is allowed to be displayed on the parcels, not more than two weeks before the referenced event, program, or installation.
2. Lighting. All exterior site lighting shall meet the lighting standards as outlined in Section 24.07 of the Ordinance.
  3. Right-of-Way. Changes in the use of the Cedar and First Street rights-of-way are subject to review and approval by the Leelanau County Road Commission. Changes in use of the S. Main Street right-of-way are subject to review and approval by the Michigan Department of Transportation.
  4. Off-street Parking. No minimum amount of off-street parking is required, however any off-street parking provided shall comply with the standards of Section 21.04 of the Ordinance.
  5. Food Vendors and Food Trucks.  
Intent: Public events are a cornerstone of our community, bringing people together to celebrate and connect. Food is an essential part of these gatherings – not only as a basic need but as a reflection of culture, history, and creativity. It tells stories, fosters shared experiences, and enhances the overall event atmosphere. For longer events, having food available ensures attendees can fully participate without disruption. By welcoming food vendors, we enrich our public events, making them more inclusive, engaging, and enjoyable for all.

Food trucks (Self-propelled trucks and self-propelled vehicles containing facilities for cooking and selling food) shall be permitted only during special events in the District by invitation of the legal owners or tenants of properties within the District and are subject to the following conditions:

- a. The special event at which a food truck is present must be hosted by one or more of the legal owners or tenants of properties within the District.
- b. No more than two (2) food trucks shall be permitted on any property within the District at any one time.
- c. Food trucks shall only operate during the hours of the special event and shall not operate later than 10:00 p.m.

- d. Food vendors shall not operate on S. Main Street (M-22) or 1<sup>st</sup> Street.
  - e. Food vendors shall not obstruct pedestrian pathways, fire lanes, public rights-of-way, or ingress/egress points for buildings.
  - f. Food vendors shall not occupy or impede designated accessible parking spaces.
  - g. Food vendors shall provide adequate waste disposal containers and are responsible for cleanup within a 50-foot radius of their location.
  - h. Food vendors shall comply with all applicable state, county, and Township health and safety regulations.
6. Special Events. Special events have historically occurred at properties within the District and shall be permitted subject to the following conditions:
- a. Special events shall be considered indoor and/or outdoor gatherings of 100 or more people that are not related to the day-to-day operation of District property owners and tenants.
  - b. Each legal property owner or tenant within the District shall be limited to operating one (1) special event at any one time.
  - c. Amplified music or other loud sounds generated at special events in the District shall:
    - i. Be limited to a volume of sixty (60) decibels, as measured at the property line.
    - ii. Occur only between the hours of 7:00 a.m. and 10:00 p.m.
  - d. The organization hosting the event shall notify the Fire Department, Sheriff's Department, and any other necessary emergency response agency in accordance with each agency's standards prior to each special event.
  - e. Special events shall occur between the hours of 7:00 a.m. and 10:00 p.m.
  - f. Set up and tear down of any outdoor equipment, tents, or decorations occurring on days prior to or following a special event shall occur between the hours of 7:00 a.m. and 10:00 p.m.

#### **F. Nonconforming Uses and Structures**

Nonconforming uses and structures, as defined in this Ordinance, may continue until they are removed from a site. Any nonconforming structure that is damaged by fire or other act of nature may be reconstructed on the original building footprint within its original spatial envelope.

## **Leland Township Zoning Ordinance Amendment Application**

Responses to Criteria for Ordinance Text Amendments

Proposed Cultural District Overlay

### Criteria for Ordinance Text Amendments

The following portion of this document offers responses and justification for the proposed Ordinance amendments relating to the criteria for Planning Commission review criteria listed in Section 5.04.D.1 of the Zoning Ordinance. Ordinance criteria are shown in *italic text* and responses are shown in regular text. Sub items a-f have been labeled with the corresponding part of the Zoning Amendment Application form that they correspond to.

*1. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:*

- a. *(Part 4.B.1 of Application) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?*

While the Old Art Building, Leland Township Public Library, and Leelanau Historical Society have operated at their current locations for many years, Old Art Building recently acquired the property located at 204 E. Cedar Street. The acquisition of this property was based on the understanding that it would be used solely for community-based cultural purposes, and restrictions placed on the deed reflect this. Old Art Building was previously planning to expand its space and operations on the existing Old Art Building parcel, but purchasing 204 E. Cedar Street creates an opportunity to provide much needed space on a relatively open site. Deed restrictions limiting use of the Leland Township Public Library parcel are also in place that restrict uses on the site to those solely for the benefit of the community (library, community room, and historical museum) The existing Library and Old Art Building properties are home to long-standing legally non-conforming institutional and cultural uses that benefit the community.

The Old Art Building sees the acquisition of the 204 E. Cedar Street parcel as a benefit to its operations and an opportunity to spread existing operations over a larger area, providing needed 'elbow room' for Old Art Building programming. In addition, the existing R-2 zoning of the subject sites results in non-conformity issues and the proposed Cultural District Overlay would establish the legality of the ongoing operation of long-standing community-based uses that benefit Leland and the region as a whole. While expanding Old Art Building activities onto a new parcel may seem to create additional impact on the surrounding neighborhood, it should be noted that the expansion is intended to provide space for less-intensive Old Art Building programming and more efficient use of spaces on its existing site.

Additionally, the Cultural District Overlay Master Plan (CDO Master Plan) proposed as part of this amendment shows that the site would be home to a new programming building but left as primarily open space available for public use and river access. The current R-2 zoning would have allowed for private development of the parcel.

- b. *(Part 4.B.2 of Application) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?*

The Township has previously adopted changes to the Zoning Ordinance to allow for continued non-conforming uses that preserve desired character and benefit the community. The adoption of the Fishtown Historic District preserved the historic integrity of the Fishtown and allowed for the continuation of existing operations within the district so long as they complied with the district master plan adopted with the zoning amendment. The adoption of the proposed Cultural District Overlay would accomplish similar goals by allowing for improvements shown on the CDO Master Plan as permitted uses with any deviations requiring approval of the Planning Commission. Potential effects of the approval of the proposed amendment are limited as there are few areas in the Township with the mix of non-conforming existing uses and need to protect existing character other than for Fishtown and the area of the proposed district.

- c. *(Part 4.B.3 of Application) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?*

The proposed amendment does not seek to change the overall intensity of the existing uses within the District. Rather it would provide much-needed space for the expansion of the Old Art Building's activities, document existing and historic uses within the District, and provide flexibility in use for the future. The area covered by the proposed District is served by public sewer and amendment language has been provided to the Sewer Administrator for review and comment. Comments provided by the Sewer Administrator will be passed along to the Planning Commission upon receipt. The largest noted potential impact of the proposed amendment is the handling of parking and vehicular circulation, particularly during the busy summer season. As part of the amendment creation process, the project team has developed a proposed strategy for formalizing on-street parking adjacent to the proposed District that will help eliminate confusion and congestion within the surrounding area during busy times of the year. This strategy has been discussed with the Road Commission and the results of that discussion are documented in the attached meeting notes provided with this submission.

- d. *(Part 4.B.4 of Application) Does the petitioned district change adversely affect the environmental conditions, or the value of the surrounding property?*

The proposed amendment and associated Master Plan show that existing sites within the proposed District will remain largely unchanged and the preservation of a majority of the newly acquired Old Art Building parcel as vegetated open space with large buffers along the river. By removing this parcel from private, residential use, it provides additional open space and river access to the community that did not previously exist and gives adjacent residents in the neighborhood a nearby park like setting with access to the frontage of the river. Proposed efforts to organize on-street parking and vehicular circulation would reduce busy seasonal traffic conflicts for the neighborhood, making life easier. This increased access to open space and potential reductions in traffic/parking conflicts could potentially increase property values in the surrounding area, but certainly wouldn't reduce them.

- e. *(Part 4.B.5 of Application) Does the petitioned district change generally comply with the adopted Comprehensive Development Plan?*

The proposed Ordinance amendment generally complies with the Leland Township Master Plan as it allows for the continuation of valued cultural and institutional uses within the mixed-use Leland Village area of the Township designated in the future land use plan portion of the document. The proposed amendment also directly complies with numerous portions of the Master Plan. The following describes how the proposed amendment is supported by specific portions of the Plan:

- Chapter 6 – Significant Land Use Issues – 6.1A Preservation of Leland Village Character (p. 52)  
 The preservation of the character of the Leland village area is highlighted in Chapter 6 as a significant land use issue. Language in this section of the Plan highlights the notes that new uses and construction in the area are to be designed in a manner that complements the general character of the neighborhood. The proposed amendment seeks to continue cultural and institutional uses in an area where they have historically existed.
- Chapter 7 – Community Goals and Objectives – 7.3.8 Community Institutions Goal (p. 72)  
 The goals and objectives portion of the Plan identifies the goal to “Maintain vital community centers by supporting the needs of existing and new community institutions in the Villages.” The proposed amendment would provide planning and zoning support for the continued use of the properties within the proposed district for important cultural and institutional uses that serve not just the Village area, but the Township and region.
- Chapter 8 – Future Land Use Recommendations – 8.6 Leland Village Mixed-Use Area. (p. 76)



The Leland Village Mixed-Use designation in the future land use portion of the Plan identifies the desire to accommodate the mixture of uses already found within the Village area and preserve the ‘small village’ character that currently exists. This future land use specifically states that “the Village may want to consider in the future other overlay districts to address nonconforming uses and structures,” which is exactly what the proposed amendment seeks to do.

Additional excerpts from the Township Master Plan that support the proposed Ordinance amendment can be found as Exhibit D in the remainder of this document.

- f. (Part 4.B.6 of Application) Is the property in question able to be put to a reasonable economic use in the zoning district which it is presently located?*

The three parcels included within the proposed district are all owned and used by nonprofit organizations with community-based missions. Deed restrictions on these parcels prevent their use for the residential uses permitted within the existing R-2 zoning district and require coordination with the Township to ensure their continued use in accordance with planning and zoning regulations.









NOTE: Property boundaries, land contours, physical features and the like, illustrated on this plan are exhibited for planning purposes only. Mansfield Land Use Consultants makes no guarantee to the correctness nor the completeness of this information.



## EXHIBIT C

### 7.3.1 Land Use Goal

Retain the Township's rural and scenic character, by preserving farmlands, forestland, open space and through encouraging growth/development in and around the villages of Leland and Lake Leelanau.

#### Objectives and Action Steps

- Encourage retention of farmland, forestland and open space through coordinated land use plans and related regulations, including in collaboration with area organizations where possible.
- Promote the health, safety, and welfare of Township residents by coordinating the uses of land with the provision of efficient public services.
- Facilitate communication with adjacent Townships.
- Manage density and location of new development, to discourage sprawl, by encouraging protection of open space and scenic views in the Township, including but not limited to the use of appropriate conservation easements, conservation development techniques, cluster development, purchase or transfer of development rights and special use permit zoning ordinance provisions.
- Provide multiple options for land development, while allowing continued agricultural use, protection of significant natural features and important views.
- Encourage new construction to be sited below the ridgeline and encourage the preservation of existing wooded areas to provide filtered views.
- Explore and pursue methods to maintain the rural character of road corridors, scenic heritage routes, and scenic vistas within view of these corridors.
- Work with the Heritage Route Committee to enhance the corridors through Leland Township.
- Identify and promote the preservation and enhancement of significant historic, archaeological, and scenic features.
- Continue to pursue junk or blight elimination regulations.
- Reduce light and noise pollution through ordinances.
- Provide sign regulations to protect the Township's rural character and scenic beauty.

### **7.3.3 Natural Resource Goal**

Utilize guidelines that encourage the protection and preservation of water quality and environmentally sensitive areas.

#### **Objectives and Action Steps**

- Identify and protect sensitive environmental areas to be preserved such as critical sand dunes areas, high risk erosion areas, woodlands, wetlands, steep slopes, shorelines, and other environmentally sensitive areas; and identify land that may not be suitable for development because of natural limitations for the erection of structures or septic systems (such as hydric soils, flood plains, steep slopes, or areas at high risk of shoreline erosion).
- Encourage the acquisition of sensitive environmental areas by public agencies or non-profit organizations for the purpose of permanent preservation.
- Establish regulations for land development in special environments, which permit development in a manner which balances natural resource protection and the use of the property. Require new developments to mitigate negative impacts on the natural environment where appropriate.
- Encourage the continuation, coordination, and areas of cooperation with watershed management programs for Leland Township and adjacent areas.
- Encourage Leland Township sewer system upgrades and explore system expansions. Promote alternative systems and septic system inspections to protect water quality of lakes. Coordinate future sewer planning with the Sewer Commission and special assessment districts and/or other localized community-based solutions.
- Consider the possible establishment of a Lake Leelanau sewer district jointly with other jurisdictions, to protect the water quality of the lake.
- Protect water quality through waterfront usage and development standards in the zoning ordinance with consideration given to setbacks, natural buffers, water access, and some impervious surface limitations.
- Preserve the natural vegetation of shoreline areas and planting of new trees and shrubs through greenbelt regulations.
- Identify and protect the Lake Leelanau Narrows as a sensitive environment.

### **7.3.4 Residential Goal**

Provide for a broad range of housing opportunities, which respond to the varying economic, family, and lifestyle needs of area residents and tourists.

#### **Objectives and Action Steps**

- Discourage development in areas identified on the Agricultural Considerations Areas map (Figure 6-2) and direct higher density residential development to be located in and around villages, through zoning regulations and incentives.
- Provide a range of development options in the zoning regulations, such as Conservation Design Subdivisions and Planned Unit Developments, to encourage a mix of housing types in a single development.
- Develop residential development options, to allow for clustering of new development within land parcels so as to encourage preservation of open space.
- Protect the residential neighborhoods from intrusion of incompatible uses.
- Due to the aging population in Leland Township, provide zoning options to meet the needs of senior citizens, such as a senior citizen center, group facilities and accessory dwellings.
- Encourage exploration of workforce housing options.

### 7.3.5 Economic Goals

Strengthen the local economy through the development and retention of enterprises, which provide employment opportunities.

Preserve Leland Township as a tourist-friendly community.

#### Objectives and Action Steps

- Work cooperatively with local economic development groups to retain and attract business.
- Allow for a diversity of commercial and light industrial development, with year-around employment opportunities, including non-tourism based ventures.
- Direct intensive commercial development to the villages and encourage mixed-use land use patterns and character.
- Review both positive and negative impacts of the local tourism industry and work to resolve any identified issues, such as traffic, parking, and the need for private restroom facilities for businesses.
- Work with the Heritage Route Committee to enhance the corridors through Leland Township.
- Establish zoning provisions to allow for knowledge-based businesses in close proximity to the Villages where support services are more available.

EXHIBIT D

5/13/25

OLD ART BUILDING

111 S Main St Leland, MI 49654

Report for sound dB level at Cultural District Overlay.

A SPL/dB test was executed on 5/12/25 @ the proposed event space on the property adjacent to the Leland public library. The test was reduced to a lesser dB level per a state of MI. statute. The new test level was to be 60db@100'. Using a software package called "SMARTT Live" a base level was established with "pink noise" (equal energy from 20hz-20khz) for said test.

TABLE 1. 60dB SOUND LEVEL RESULTS

Measurement location	Pavilion Stage
@100' from proposed stage location	60dB.
@200' (property line)	Average 50-55dB.
@Location #1	Average 50dB.
@Location #2	Average 40dB.
@Location #3	Average 40dB.
@Location #4	Average 30dB
@Location 5 Marina	Unmeasurable due to ambient noise from the



A consensus was reached that the level of the test was above “normal” production levels, so an additional test was executed to be 40dB@100’.

TABLE 2. 40dB SOUND LEVEL TEST

Measurement location	Pavilion Stage
@100 from proposed stage	40dB
Location #1	Average 30dB
Location #2	Unmeasurable. Ambient noise from traffic on M22

Other locations were not measured, because of ambient noise.

Another note that should be considered, during site survey visit there were leaf blowers 2 blocks away from the venue with noise measurements of 60dB for more than 2hrs. during the day. The average time of a performance is approximately 2hrs.

SINCERELY,

PETER J CHAPMAN  
SLEEPING BEAR SOUND LLC.



# Cultural District Overlay

Leland, Leelanau County, MI



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# EXHIBIT E

November 14, 2024

## Cultural Campus Overlay District Stakeholder Meeting – Meeting Notes

Participants: Mansfield Land Use Consultants – Dusty Christensen  
Leland Old Art Building Representatives – Rick Koehler, Greg Kuntz, Kerry Satterwhite, Kathleen Acker  
Leland Township Public Library Representatives – Mark Morton, Berkley Duck  
Leelanau Historical Society Representatives – Chuck Schroer, Kim Kelderhouse

Discussion Agenda Items: 1- Introductions and Project Overview  
2- Project and Ordinance Amendment Process  
3- Ordinance Amendment Request Details – Confirmation and Input

### Introductions and Project Overview

- Consultant and Stakeholders introduced themselves
- A brief overview of the Overlay District project and summary of work to date was given

### Project and Ordinance Amendment Process

- Dusty Christensen discussed the proposed scope of the ordinance amendment work to be completed and the process through which ordinance amendments are reviewed and adopted by the Township. Project stakeholders agreed that each entity will be represented at public meetings. Conversation included potential items of concern that may be addressed by the community and/or adjacent neighbors. Items of concern identified primarily related to traffic and parking congestion on neighborhood streets. It was noted that streets adjacent to the overlay district properties are controlled by the County Road Commission and that the Township has a Parking Ordinance in place, although enforcement of the Ordinance is difficult and essentially nonexistent. Greg Kuntz (also a neighbor near the overlay district) noted that some type of solution to parking and traffic congestion should be part of the overlay district planning process in order to satisfy neighborhood concerns. Christensen noted that there is little that can be done to address concerns about County Road use and on-street parking within the structure of the Ordinance, but discussions will be held with the Road Commission and recommendations for signage and organization of on-street parking will be considered.

### Ordinance Amendment Request Details – Confirmation and Input

- It was determined by the group that the narrow 'boathouse parcel' between the Old Art Building and Library will be excluded from the proposed overlay district at this time. The parcel could be added to the overlay district in the future, should the desire or need present itself.
- The group briefly discussed the existing dimensional standards of the R-2 district and potential changes that may be included in the overlay district request. Previously identified setback changes were noted and will be utilized for the initial amendment draft to allow for flexibility in future design and to increase conformity of existing structures.

- Signage is a major concern for stakeholders, particularly for the Historical Society. A need for additional and better signage within the overlay district was noted, as current signage is insufficient to adequately direct the public, identify all users of the existing buildings, and accomplish educational goals of the stakeholders. It was determined that the draft amendment language would include signage regulation changes that would facilitate the achievement of the stakeholders' goals.
- The group discussed potential land uses to be included as permitted uses in the draft overlay district amendment. Previously identified uses were confirmed and each stakeholder group provided a detailed list of uses that exist on subject properties and uses that are desired to be included in the overlay district. Christensen noted that some of the uses identified are incidental or accessory to land uses typically regulated by zoning ordinances and would be permitted without their specific inclusion as 'permitted uses.' The use lists provided will be consolidated to create the list of permitted uses for inclusion in the ordinance amendment request. Use lists provided included the following potential uses:
  - Arts/educational classrooms
  - Artist studio space
  - Community and collaboration spaces
  - Workshop/retreat/meeting spaces
  - Administrative/office spaces
  - Flexible gathering spaces
  - Outdoor classrooms and outdoor picnic spaces
  - Gardens and walking paths
  - Library uses
  - Parking
  - Museum uses
  - Research center and archival storage
  - Outdoor festivals and fundraisers
  - Outdoor exhibition spaces
  - Interpretive signage and educational displays – outdoor
  - Food trucks in conjunction with events and programs
  - Plays, educational speakers, and musical performances
  - Art shows
  - Private parties – weddings, rehearsals, reunions, etc.
  - Community classes – exercise, art, etc.
  - Community meeting spaces
  - Gallery spaces
  - Artistic residency programs – potential on-site dwelling

# EXHIBIT F

**November 22, 2024**

## **Cultural Campus Overlay District – Road Commission Meeting Notes**

Participants: Mansfield Land Use Consultants – Dusty Christensen  
Leland Old Art Building Representatives – Rick Koehler (via telephone)  
Leelanau County Road Commission – Brendan Mullane, Craig Brown

The following is a summary of the discussion held at a meeting discussing the potential Cultural Campus Overlay District in the Leland Township Zoning Ordinance at the Leelanau County Road Commission's (Road Commission) office on November 22, 2024.

- Dusty Christensen discussed the proposed scope of the ordinance amendment work to be completed and the process through which ordinance amendments are reviewed and adopted by the Township, including the inclusion of potential plans for public road right-of-way improvements to better define on-street parking and circulation in the district.
- Road Commission staff noted that improvements within street rights-of-way in the Leland Village area are permitted and generally acceptable, assuming:
  - Improvements comply with necessary safety standards,
  - The Township initiates the request for any improvements/changes,
  - Improvements are funded by an entity other than the Road Commission, and
  - Maintenance of elements outside of the street travel lanes will be maintained through a legally-binding agreement by an entity other than the Road Commission.
- Reactions to specific potential improvements (additional parking, additional paving, conversion of First St. to one-way, etc.) included:
  - First St. could be converted to one-way with on-street parking provided, if initiated by the Township and a suitable turnaround and 'no-outlet' signage is provided on Pine St.
  - On-street parking can be created where it doesn't exist, so long as driveway access is maintained for each parcel in the area and that the parking is open to public use, meaning spaces can not be dedicated to the sole use of one or more property owners and their guests or patrons.
  - Street closures for events could not occur if they prevented access to nearby properties.
- Specific design changes within street rights-of-way and future driveway permits will be reviewed and discussed as future projects near the permitting phase. Driveway permits for parcels that do not provide on-site parking may require an impact study prior to approval.

## EXHIBIT G

### Amendment 2016-02

#### Section 12.04.C.4 (Fishtown Historic District) amended to read as follows:

##### A. Intent

The Fishtown Historic District (hereinafter referred to as the "District") is intended to:

1. Preserve the historical integrity of Leland's Fishtown area and ensure that it continues as a publicly accessible and authentic connection to local and regional history, Great Lakes commercial fishing, and maritime traditions and experiences;
2. Provide flexibility for the restoration, construction, and relocation of structures, for limited development, in part, and for changes in use within the District to the extent and on the conditions set forth in this Section.

##### B. Boundaries, Ownership, and Control

The boundaries of the District are set forth in the following diagram:

[Boundary diagram attached hereto as Exhibit A.]

The properties within the District are owned by Fishtown Preservation Society, Inc. a Michigan nonprofit corporation designated by the Internal Revenue Service as a 501(c)(3) organization (hereinafter referred to as "FPS"). FPS shall have sole responsibility and authority for the management of the District in conformity with this Section. FPS shall give notice to the Zoning Administrator of any transfer of ownership or control of property within the District.

##### C. Uses Permitted

The Uses permitted by right within the District are: historic preservation and restoration, public education, waterfront access, commercial fishing, public angling, charter boat operations, commercial retail and service operations, artisan activities, fishing-related operations, fish processing, research and educational activities, public gatherings, mixed uses and with respect to the property at 206 West Cedar Street (only), a single family dwelling (including short-term rentals), and administrative activities related to the foregoing. Changes in use for a particular structure or area shall be permitted without further approval provided the change is to another use permitted by right and notice thereof is given to the Zoning Administrator.

Changes within the District that would otherwise require a Land Use Permit under the provisions of Section 3.03 A. of this Ordinance shall be subject to review by the Leland Township Zoning Administrator. The Zoning Administrator shall approve any change that is consistent with the "Design Guidelines" set forth on pages 27 through 32 of the Fishtown Site Study, Design and Master Plan (January 2009) (hereinafter referred to as the "Design Guidelines"), as recorded with the Leelanau County Register of Deeds and attached hereto as Exhibit B. If the Zoning Administrator shall find that a proposed change is not consistent with the Design Guidelines, and the issues are not resolved following consultation with FPS, then the change shall require review and approval by the Leland Township Planning Commission under the standards for special land uses set forth in Section 16.01 of the Ordinance.

##### D. Dimensional Standards

The following dimensional standards shall apply to improvements within the District:

1. Alley setback 0' min. north side of river / 5' min. south side river
2. Off-street parking 0 spaces north side of river / number of spaces on south side of river per Section 21.03 as of January 1, 2017
3. Building height 7' min. – 35' max.
4. Property line setbacks 0' north side of river / 5' south side of river
5. Water's edge No closer than any structure within the District as of December 31, 2009
6. Percent lot coverage Maximum of 80% of the District area

##### E. Additional Standards

1. Right-of-Way. Changes in the use of the West River Street right-of-way are subject to review and approval by the Leelanau County Road Commission.
2. Utilities. New utility lines shall be located below grade. Any changes in the utility infrastructure shall be subject to review and approval by the Zoning Administrator and subject to all relevant county and state permitting requirements.

3. **Site Drainage.** The placement of any new buildings or building to be relocated shall be subject to review by the Drain Commissioner and the Soil Erosion Control Officer.
4. **Pedestrian Circulation.** Changes in the pedestrian circulation systems shall be isolated from the vehicular circulation system to the greatest extent possible and subject to review by the Zoning Administrator.
5. **Signage.** Signage within the District shall be within the control of FPS and consistent with the Design Guidelines. Educational and interpretive signage and other materials shall be allowed at the discretion of the FPS. One freestanding sign externally directed such as an entrance sign, not exceeding thirty-two (32) square feet and not internally illuminated or having any visible moving, revolving or flashing components, shall be permitted subject to review and approval by the Zoning Administrator.
6. **Nonconforming Uses and Nonconforming Buildings.** Nonconforming Uses and Nonconforming Buildings, as defined in this Ordinance, may continue until they are removed by FPS. Any Nonconforming Building that is damaged by fire or act of nature may be reconstructed on the original building footprint and within its original spatial envelop. Any building relocated within the District shall be reviewed by the Zoning Administrator and approved by the Planning Commission.



## EXHIBIT H



# BUILDING USE POLICY

- The Old Art Building and grounds may be used for cultural, educational, and social activities as well as for fundraising events. Any person or group wishing to use the property should inquire via email to [info@oldartbuilding.com](mailto:info@oldartbuilding.com) to receive a Building Rental Application.
- Under IRS Code, the Old Art Building — a 501(c)(3) non-profit organization — cannot engage in political or lobbying activities, which prohibits us from renting space for political events.
- The Applicant is responsible for: seeing that the building and grounds are left as they were found, turning off lights, cleanup, trash removal, and any expenses incurred by the OAB for maintenance or repair after the function.
- The Old Art Building is in a residential neighborhood. The use of this building for social events relies on respect for our neighbors and strict compliance with the rules and regulations. Music must end at 10 pm and premises vacated by 10:30 pm
- OAB equipment must not leave the grounds. Tables can go outside, but upholstered chairs must remain inside.
- No cooking is permitted inside the building.
- No smoking in the building.
- No use of the fireplace.
- There shall be no unsupervised activities in the building or on the grounds. The Applicant or other responsible designee must be present.
- Tents must be set up/taken down between 9:00 am and 9:00 pm during your contracted rental hours. Tents with stakes are not permitted.
- The LCCC does not have storage space for the Applicant's materials. Any exception requires prior approval by LCCC's staff. LCCC is not liable or responsible for tents, tables, or other equipment brought on site. The Applicant is responsible for tent removal within contracted rental hours.

## **NORTHPORT VILLAGE NUISANCE ORDINANCE**

### **ORDINANCE NO. 139**

**AN ORDINANCE TO DEFINE, PROHIBIT AND PROVIDE PENALTIES FOR MAINTENANCE OF CERTAIN NUISANCES WITHIN THE VILLAGE OF NORTHPORT, TO PROVIDE EXCEPTIONS TO NUISANCE PROSECUTIONS, TO PROVIDE FOR ENFORCEMENT OF THE ORDINANCE AND TO AUTHORIZE ABATEMENT OF A NUISANCE BY THE VILLAGE.**

**THE VILLAGE OF NORTHPORT ORDAINS:**

#### **SECTION 1 - DEFINITIONS**

**AS USED IN THIS ORDINANCE THE FOLLOWING TERMS SHALL HAVE THE MEANINGS PRESCRIBED IN THIS SECTION.**

- A. Abandoned vehicle** - includes, but is not limited to, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.
- B. Blighted structure** - includes, but is not limited to, any dwelling, mobile home, garage, or outbuilding, or any factory, shop, store, office building, warehouse or any other structure, or part of structure, which, because of fire, wind, or other natural disaster, or physical deterioration, and is no longer useful for the purpose for which it may have been intended. Exempted from this definition are structures that have been used, in the past, primarily for agricultural purposes.
- C. Building materials** - includes, but is not limited, to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, plastics, synthetics, nails, screws, or any other materials used in construction of any structure.
- D. Correlated Color Temperature (CCT)** - A unit of measurement for light color, measured in degrees, based on the Kelvin temperature scale (K). Color temperatures over 3500K are called "cool", or "daylight" colors, while lower color temperatures (2700 - 3000K) are considered "warm" colors.
- E. Fully Shielded** - An outdoor fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane passing below the fixture.
- F. Garbage** - rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables. 'Garbage' does not include a compost pile consisting of decaying organic substances intended for soil conditioning.
- G. Glare** - Light entering the eye directly from luminaries or indirectly from reflective surfaces. This may cause visual discomfort, disability, loss in visual performance or visibility.
- H. Junk** - includes, but is not limited to, broken and/or inoperable machinery or vehicles, or parts relating to machinery or vehicles, or broken and unusable furniture, stoves, refrigerators, or other appliances, remnants of wood, metal or any cast-off material of any kind.
- I. Junk vehicle** - includes, without limitation, any vehicle that is not licensed for use upon the highways and/or waterways of the State of Michigan for a period in excess of 365 days, and shall also include, whether licensed or not, any vehicle that is inoperative for any reason for a period in



- a. in a sealed container; or
- b. within a totally enclosed structure; or
- c. entirely screened from view from a public road right-of-way or adjacent property.

2. The placing of ashes, junk, garbage, rubbish or building materials on private property without the owner's permission, or on public property, regardless of whether such are deposited in a sealed container, within a totally enclosed structure, or screened from view.

**B. JUNK VEHICLES, PARTIALLY DISMANTLED VEHICLES, ABANDONED VEHICLES**

The parking or storage, or placing upon any lands within the VILLAGE, any junk vehicle, abandoned vehicle, or partially dismantled vehicle, unless the same is:

- 1. wholly contained within a totally enclosed structure, or
- 2. entirely screened from view from a public road right-of-way or adjacent property, and
- 3. does not violate any zoning ordinance of THE VILLAGE OF NORTHPORT, or any building code of Leelanau County or the State of Michigan, or meets one of the following conditions:
  - a. Vehicles that are temporarily inoperable, because of damage resulting from accident, collision, or minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, upon presentation to the enforcing officer written proof the vehicle is in process of maintenance or repair, and/or is involved in insurance claims litigation or a similar matter and additional time is required for settlement or repair before such vehicle can be moved.
  - b. Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.
  - c. Unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or another motorized vehicle dealer.
  - d. Any inoperable or damaged vehicle on the premises of an authorized vehicle repair garage.

**C. NOISE** - Any loud, unnecessary, unnatural or unusual noise, created, maintained or permitted by any person, and the noise is of such character, intensity or duration, either steadily or intermittently, or by reason of the hour of the day or night, place or use, that it annoys, disturbs, injures, endangers or impairs the comfort, health, convenience, safety, welfare, enjoyment, and peace and quiet of other persons in the vicinity. A noise shall be considered to have violated this section when all of the following criteria are met:

- 1. Either continuous, or occurs intermittently and persistently, for more than fifteen minutes in duration.
- 2. At sufficient volume that it is capable of being heard, without amplification, while inside an enclosed structure with the windows closed.
- 3. Occurs between the hours of
  - a. 12 pm and 7am, when originating from the C-1 zoning district.
  - b. 11 pm and 7am, when originating from any other zoning district.

**D. OUTDOOR LIGHTING** - Any outdoor lighting fixture that is NOT fully shielded is considered a



**VILLAGE OF SUTTONS BAY**  
**NUISANCE ORDINANCE**  
**Ordinance No. 5 of 2004**  
**AS AMENDED BY ORDINANCE 1 OF 2016**

AN ORDINANCE TO PROHIBIT NUISANCES WITHIN THE VILLAGE OF  
SUTTONS BAY TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE AND  
TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF SUTTONS BAY ORDAINS:

**Section 1. Definitions.** As used in this Ordinance,

- (a) "Amplified sound system" means a device which produces or amplifies sound either electronically or mechanically and includes but is not limited to radios, phonographs, compact disc players, tape players, televisions, musical instruments, drums, and sound amplifiers.
- (b) "Building materials" includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.
- (c) "Exotic animal" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.
- (d) "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables. "Garbage" does not include one (1) compost pile consisting of decaying organic substances intended for fertilizing land; provided, however, that the compost pile is no larger than five feet (5') square and is located on the property so that it cannot be seen from any public highway or street, or seen from any adjoining land owned by another person.
- (e) "Harass" means the use of any personally abusive epithets, words, language, or conduct of an offensive nature, which when addressed to or directed at a reasonable person, are likely to provoke a reaction of fear, anger, or apprehension.
- (f) "Harbor or harboring" means providing food and/or shelter to any animal for any period of time in excess of twelve (12) hours or being in charge or control of any animal under any written or verbal agreement with the animal's owner.
- (g) "Highway or Street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, and includes public alley ways.

4. To whine, yelp, bark, howl or make other sounds common to its species such that said noise can be heard by any person from an adjoining lot line or from the right-of-way of any adjoining public street between the hours of 12:00 AM (midnight) and 5:00 AM or at any time in a habitual manner. For purposes of this subsection, "habitual" means whining, yelping, barking, howling, or making other sounds common to its species on three (3) or more occasions separated by at least one (1) hour within a one (1) week period.
- (j) Loitering on a public street, sidewalk, a public place, or any other place or business open to the general public in such a manner as to:
1. By words or conduct, harass, assault, molest or intimidate any other person of ordinary sensitivities, or
  2. Interfere with any person's reasonable use of a public street, sidewalk, a public place, or any other place or business open to the general public.
- (k) Except as provided in subsection 4 below, operating, or permitting another person to operate, an amplified sound system under any of the following circumstances:  
(as amended by Ord.1 of 2016)
1. In a parked vehicle or operating motor or other vehicle on a street, road, alley, highway or other place open to the general public so that it is clearly audible from the vehicle or motor vehicle to an individual of ordinary hearing ability under either of the following circumstances:
    - A. At a distance of fifty (50) feet from the vehicle or motor vehicle between the hours of 7:00 a.m. and 10:00 p.m.
    - B. At a distance of twenty-five (25) feet from the vehicle or motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. the following day.
  2. From any real property within the Village so that it is clearly audible to an individual of ordinary hearing ability under either of the following circumstances:
    - A. At a distance of fifty (50) feet from the boundaries of the real property on which the amplified sound system is being operated between the hours of 7:00 a.m. and 10:00 p.m.
    - B. At a distance of twenty-five (25) feet from the boundaries of the real property on which the amplified sound system is being operated between the hours of 10:00 p.m. and 7:00 a.m.
  3. On a highway or sidewalk so that it is clearly audible to an individual of ordinary hearing ability under either of the following circumstances: