

## Chapter 12. Waterfront Overlay District (WOD)

### SECTION 12.00 PURPOSE

The Waterfront Overlay District is a supplementary zoning district that only applies to designated lands, as shown on the Zoning Map. This district is applied simultaneously with one of the other zoning districts established in this Ordinance, hereinafter referred to as the “underlying” zoning district. The use of a lot within the Waterfront Overlay District shall comply with both the Waterfront Overlay District and the underlying Zoning District. Lands included in the Waterfront Overlay District have frontage on the Township’s lakes, the Flat River, or Wabasis Creek. These water features are recognized to have environmental, aesthetic, economic, and recreational value. As a Designated Natural River, the Flat River and its tributary, Wabasis Creek, provide exceptional wildlife habitat, scenery, ecologic and historic value, and recreational uses. Therefore, the intent of this district to preserve and protect the Township’s natural water features and ensure that structures and uses in this overlay district are compatible with these unique attributes.

### SECTION 12.01 PERMITTED USES

Land, structures, and buildings in this overlay district may be used only for those uses listed as either a permitted use or a special land use in the underlying zoning district in which the land is located.

### SECTION 12.02 DISTRICT STANDARDS

The following are requirements for waterfront properties or parcels located in any zoning district. All structures constructed, land divisions, or lot line adjustments made, after the adoption of this Chapter, shall meet the following standards:

#### A. General Standards.

1. Construction of principal dwelling units and accessory structures in designated wetlands and flood zones A or B, per FEMA FIRM map dated 11/15/1984, is strictly prohibited unless Michigan EGLE or DNR permits are obtained for certain structures (such as docks, walkways, and boat houses).
2. Setback standards for construction of principal residences and accessory structures shall begin from the 100-year, 500-year, or established high water mark boundary as the front lot line. No building shall be located within 50 feet of the ordinary high water mark.
3. Accessory buildings may be located in either the front or rear yard, but shall meet the same setback standards as a principal structure.
4. A strip of vegetation 25 feet wide shall be maintained parallel to the water and adjacent to the normal high water line, not to obstruct the view or use, but to provide for erosion control and run-off filtration.
5. Accessory structures shall not extend into the waterway so as to encroach upon the neighbor’s riparian rights, view, and use of the waterfront.

6. Water access such as walkways, trails, paths, ingress/egress easements, common areas, shared ownership, and use of beaches and docks, private parks, playgrounds and boat launches provided to non-waterfront lots through private property (keyholing) is prohibited. The intent is to limit water access to only approved waterfront lots.
  7. Sanitary facilities, such as septic tanks and drain fields, shall be set back 100 feet from the ordinary high water mark or the 100-year floodplain, whichever is greater. No part of the disposal system shall be located between the dwelling and the ordinary high watermark or 100-year floodplain.
  8. Any excavation or bringing in of fill conducted within 330 feet of any body of water or wetland shall have soil erosion and sedimentation control measures taken pursuant to Michigan EGLE standards.
  9. Those applying lawn or field chemicals within 300 feet of any body of water shall ensure that migration of chemicals is minimized and that application of the chemicals complies with Michigan EGLE standards and that those applying the chemicals are properly licensed by EGLE.
- B. Flat River and Wabasis Creek. Additional development standards shall be applicable to the Flat River and Wabasis Creek, as administered by the State of Michigan under the authority of Part 305, Natural Rivers of PA 451 of 1994, and the DNR Natural River Zoning rules promulgated thereunder. These standards apply to all property located within 400 feet of the Flat River and Wabasis Creek.
1. Applicability. A Natural River Program zoning permit is required for all construction activities, foot and vehicle bridges, clearing of vegetation within 25 feet of the water, land alteration, septic system location, utility lines, home occupations, campgrounds, docks, stairways, boardwalks, mining extraction, bank stabilization, and fisheries habitat improvement activities, and land divisions, except for those activities identified under the DNR Natural Rivers Zoning rules. Property owners should refer to the DNR, Natural River Zoning rules, effective September 19, 2013, for specific standards.
  2. Setbacks.
    - a. Single-family dwellings, accessory buildings, and appurtenances shall have a minimum setback of 100 feet from the ordinary high-water mark or 25 feet from the 100-year floodplain, whichever is greater.
    - b. Single-family dwellings, accessory buildings, and appurtenances shall be set back a minimum of 50 feet from the top of a bluff.
    - c. A disposal field or septic tank shall have a minimum setback of 100 feet from the ordinary high-water mark and a minimum of 100 feet from any surface or subsurface drain that discharges into the Flat River or Wabasis Creek.
    - d. Mining and extracting activities, including all land disturbances, structures, and other mining activities, shall have a minimum setback of 300 feet from the ordinary high-water mark.
  3. Development and Land Alterations.
    - a. A natural vegetation strip that includes the river and all lands within 25 feet of the ordinary

- high-water mark shall be maintained on each side of the Flat River and Wabasis Creek. Trees and shrubs may be pruned over not more than a 50-foot width for a filtered view of the river.
- b. The natural contour of the face and crest of the bluff shall not be altered.
  - c. The land between the crest of the bluff and the minimum building setback line shall not be altered, except for minor landscaping activities.
  - d. A disposal field shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
  - e. A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
4. Docks. One private dock shall be permitted per parcel, subject to the following standards:
- a. A dock shall not be more than 48 square feet in area, with not more than 4 feet of dock extending over the edge of the river.
  - b. A dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.
5. Stairways. One private stairway constructed to allow river access shall conform to all of the following standards:
- a. A stairway is not permitted unless no other reasonable and safe access to the river exists.
  - b. A stairway shall be low-profile, not more than four feet wide and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.
  - c. A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building code.
  - d. Not more than one handrail shall be associated with a stairway.
  - e. A stairway shall be constructed using natural materials.
  - f. A stairway shall be located and maintained to blend with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized.
6. Minimum Parcel Size. The division of any lot created after June 21, 1984, is permitted only if all of the following provisions are met:
- a. The lot shall be accessible by a public road or legal easement on at least one side of the stream.
  - b. The lot shall have at least 150 feet of river frontage, unless a riverfront “common area” subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 100 feet wide at the minimum building setback line.
  - c. The lot shall contain at least 30,000 square feet of area within the natural river district. Any “common area” created or any bottomlands shall not be used in any calculations related to

minimum parcel area. If a parcel does not have river frontage, and the front line on the parcel is greater than 150 feet from the river’s edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

- d. The lot shall have sufficient depth and upland area to accommodate the required building setbacks pursuant to the standards in this rule.
- e. A lot that exists on June 21, 1984, shall not be subdivided or reduced in dimension or area below the minimum requirements of this Chapter. Any lot created after June 21, 1984, shall meet the minimum requirements of this rule.

C. Required Setbacks.

<b>Table 12.1. Waterfront Overlay District Regulations</b>	
<b>Dimensional Standard</b>	<b>WF Overlay District</b>
Minimum lot width at waterfront	150 feet
Minimum front yard setback	50 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	50 feet
Maximum building height	35 feet
Maximum lot coverage (buildings/paving)	40%
Lot depth to width ratio	4:1
Minimum building set back standard for buildings within the State Natural River Zoning Standards area	100 feet from the ordinary high-water mark, or not less than 25 feet from the 100-year floodplain line, whichever is the greater distance from the river’s edge.
A dwelling shall be set back not less than 50 feet from the top of a bluff.	

D. Additional Regulations. See also Section 3.34 of this Ordinance (entitled “Lake Access and Frontage”).