

155.079 WD WATERFRONT DISTRICT.

(A) Description and purpose.

(1) The Waterfront District is characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the waterways and shorelines of the township.

(2) The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this District are compatible with and protect these unique attributes. Such physical, economic, and social attributes will be protected by permitting and regulating watercraft, private piers, docks, and hoists incidental to the structures located on the waterfront and shoreline properties.

(B) Permitted uses. Land and/or buildings in the WD District may be used for the following purposes as permitted uses:

- (1) Detached, single-family dwellings;
- (2) Family day care;
- (3) State licensed residential family care facilities;
- (4) Home occupations in accordance with requirements of § [155.034](#);
- (5) Schools, churches, libraries, parks, playgrounds, and community center buildings;
- (6) Private boat docks, accessory to residential uses, shall be used only by persons and their guests residing on the premises, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to requirements of this division (C);
- (7) Docking, anchoring, and moorage of non-recreational watercraft subject to [Chapter 90](#) of this code of ordinances;
- (8) Accessory buildings, structures, and uses customarily incidental to any permitted or special land use;
- (9) Permanent pier; and
- (10) Permanent boat hoist.

(C) Special land uses. Land and/or buildings in the WD Waterfront District may be used for the following purposes, following approval by the Planning Commission as a special land use as regulated by §§ [155.130](#) through [155.136](#):

- (1) Public or private campgrounds;
- (2) Public or private boat launches;
- (3) Marinas;

- (4) Private docks accessory to non-residential land uses;
- (5) Planned unit developments; and
- (6) Private dock on vacant residential parcel.

(D) *District regulations.*

(1) The regulations of this section apply to all parcels or lots having frontage on a waterway and as indicated on the zoning map.

Front Yard (Waterfront)		30 Feet (See division (D)(3) below)
Front Yard (Waterfront)		30 Feet (See division (D)(3) below)
Side yard	Lots greater than 40 feet in width	7 feet
	Lots 40 feet and less in width	5 feet
Rear yard	Lots 80 feet and greater in depth	20 feet
	Lots less than 80 feet in depth	8 feet
Building height		35 feet maximum
Lot coverage		30% maximum
Minimum lot area		6,000 square feet
Minimum lot width		60 feet
Minimum dwelling first floor area		850 square feet total
Minimum dwelling width		23 feet

(2) In no event shall a parcel of land abut a human-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the separate frontage required by this chapter.

(3) The front yard shall be measured from the edge of the road right-of-way or easement closest to the dwelling if a road separates dwellings from the lake.

(4) An open, unenclosed, and uncovered porch, or deck, exceeding more than 18 inches off the ground, may not project into a required yard setback. A balcony or window awning shall not project into any required yard setback.

(5) The permanent storage of gasoline, oil, diesel, or other fuel is permitted in the WD District with the following conditions.

(a) *Aboveground storage tanks (ASTs).*

1. All ASTs with a capacity larger than 1,100 gallons or for commercial use shall be subject to facility registration requirements of the State of Michigan.

2. All ASTs greater than 660 gallons or facilities with a total storage of greater than 1320 gallons shall comply with the State of Michigan's Part 5 Spillage of Oil and Polluting Materials administrative rules, as applicable.

3. All ASTs with a capacity of less than 1,100 gallons and for private use shall meet all the requirements of the Storage of Flammable and Combustible Liquids Rules of the Michigan Fire Prevention Code, and:

- a. Shall be located 50 feet from the nearest private well;
- b. Shall be located 50 feet or more from any building;
- c. Shall be maintained leak-free and structurally sound;
- d. Fill and dispensing apparatus shall remain locked at all times the tank is not actively being filled or the contents are not actively being dispensed; and
- e. Shall be located at least 50 feet from all surface water or wetlands except where the following additional conditions are met:
 - i. The tank's capacity is less than 300 gallons;
 - ii. The tank is of double wall construction with a method of detection if the inner wall leaks;
 - iii. Secondary containment reservoir of concrete or other impervious material is provided and maintained in the amount of the capacity of the tank(s) to contain leakage; and
 - iv. A certificate of insurance is provided on an annual basis and shall be site specific to the location, with liability limits of \$1,000,000 minimum, naming the township as co-insured protecting against environmental contamination.

(b) *Underground storage tanks (USTs)*. Are subject to the laws and permitting requirements of the State of Michigan.

(E) *Site plan review*. See §§ [155.095](#) through [155.101](#).

(F) *Off-street parking and loading/signs*. See §§ [155.115](#) through [155.118](#) and [Chapter 153](#).

(G) *Watercraft and docking*.

(1) *Application to planned unit developments*. The provisions of this division (G) cannot be overridden in or by an approved planned unit development under the Township Zoning Ordinance.

(2) *Leasing or renting of dock space*. Leasing or renting of dock space or moorage is hereby prohibited except in conjunction with the lease or rental of the dwelling unit on the same lot or as permitted in approved marinas.

(3) *Number of docks*. One pier or dock shall be allowed, used, or installed for each platted lot or parcel meeting all legal minimum water frontage, area, and width requirements imposed by the Township Zoning Ordinance for the zoning district in

which the lot or parcel is located. On a parcel with more than 100 feet of contiguous frontage (measured at the ordinary high water mark), a second pier or dock may be allowed.

(4) *Common docks.* Two adjoining lots or parcels which have frontage directly on a lake may share one common dock being utilized in total for both parcels if the dock is safe and consistent with free navigability, meets all applicable requirements of this chapter, and the same is approved by the township in writing. No other docks shall be allowed for the two lots or parcels except the approved one common dock.

(5) *Permanent pier (dock).* Permanent pier (dock) shall be allowed as a permitted use in the WF District, provided all the following conditions have been met:

(a) Michigan Department of Environmental Quality (DEQ) permit has been obtained;

(b) All requirements of §§ [155.270](#) through [155.278](#) have been met; and

(c) The permanent pier serves one single-family residential property, except as otherwise permitted by this chapter.

(6) *Permanent boat hoist.* The construction of a permanent boat hoist for single-family residential, recreational watercraft use shall be allowed as a permitted use in the WF District provided the following conditions have been met:

(a) Michigan Department of Environmental Quality (DEQ) permit has been obtained;

(b) All requirements of §§ [155.270](#) through [155.278](#) have been met; and

(c) The structure shall not have permanent covers, sides, or roofs. Temporary covers made of canvas or fabric can be included.

(7) *Boat storage device design requirements.* Each boat cradle, boat lift, or shore station placed on any frontage shall meet all of the following requirements, in addition to the other requirements of this chapter:

(a) It shall not have a rigid roof and/or walls other than the support structure and vinyl covering kits provided by manufactures of cradles and lifts;

(b) It shall not have tracks or appurtenances extending onto dry land;

(c) All portions of the device shall be located lakeside of the shoreline when in use during the boating season;

(d) It shall be designed so that watercraft are removed from the water and are stored above the water; and

(e) It shall not be designed or used for more than one watercraft, except those designed for personal watercraft which may hold no more than two personal watercraft.

(8) *Channels and canals.* No watercraft shall be launched, moored, or utilized in any human-made channel or canal which has no other lake frontage. Furthermore, no

dock or mooring shall be allowed, used, or installed in human-made channel or canal or at any property abutting any human-made channel or canal. This section shall not apply to any channel or canal which lawfully existed prior to adoption of this chapter, nor to any properties which abutted or fronted on any such channel or canal lawfully in existence prior to that date.

(9) *Continuation of lawful existing uses.* The lawful moorage, docking, or launching of watercraft or boats or usage of piers, docks, hoists, shore stations, boat cradles, or rafts on or from a particular lot, parcel, or separate frontage occurring prior to the date of adoption of this chapter shall be permitted to continue without change; however, any change, alteration, or expansion of such prior usage which occurs after the date this chapter becomes effective shall fully comply with the provisions of this chapter. For purposes of this division (G)(10), normal maintenance and repair of docks due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage. The burden of asserting a defense under this division (G)(10) is on the property owner who asserts a lawful existing use.

(Ord. passed 7-30-2015; amended 11- -2013; Ord. 16-01, passed 2-10-2016; Ord. 16-03, passed 11-9-2016)