

# **ARTICLE VIIIa**

## **INLAND LAKES DISTRICT**

### **SECTION 8.01a PURPOSE, INTENT AND COVERED AREAS**

The PURPOSE of the Inland Lakes District is to recognize, preserve and protect the environmental, aesthetic and hydrologic functions; the public health, safety and welfare and to prevent and control water pollution. The requirements of the Ordinance are in addition to other ordinance provisions including but not limited to the “Shorelands Protection and Management Act,” the Sand Dune Protection and Management Act, the “Wetlands Protection Act” and the “Clean Water Act”, as amended. The purpose is based on the recognition that:

1. The shoreline area has unique physical, biological, economic, and social attributes including recreation, water quality protection, pollution mitigation, and control of erosion and flooding.
2. Wetlands and shorelines, ecologically speaking, are synonymous and the environmental well being and health, safety and general welfare of Fruitland Township is substantially dependent on and connected with the preservation of the shoreland areas.
3. Future land development and redevelopment should not be conducted at the expense of positive lakeshore attributes.
4. Property values will be enhanced as the natural features of the shoreline areas are protected and preserved.
5. Development issues have impacted shoreline habitat areas; the loss of vegetation and “cleaned and groomed shorelines make erosion more likely, eliminates habitat corridors, and diminishes fish and wildlife populations.
6. White Lake is a federally designated “Area of Concern” and impact from development should not override the benefits achieved to date from sediment clean-ups and site restoration.

The INTENT of this district is to protect the Inland Lakes and Wetlands to the maximum extent possible, while allowing a reasonable use of the property. The restrictions contained are intended to:

1. Effectively control and prevent the unreasonable development of shorelands and nearby areas.
2. Protect both surface and ground water.
3. Prevent flooding.
4. Minimize the financial hardships that individuals and local governmental units suffer due to erosion.
5. Prevent and protect against the overuse of the shoreline and nearby areas, and reasonably regulate lake access.
6. Implement relevant portions of the Fruitland Township’s Master Plan.
7. Prevent pollution and nutrient loading which results from non-maintained or failing septic systems; improper lawn fertilizing; and composting too close to the shore.

The COVERED AREAS of the Inland Lakes District are defined as:

Section 5, Town 11 North, Range 17 West  
All parcels lying Northwesterly of South Shore Drive.

Section 6, Town 11 North, Range 17 West  
All parcels lying west of the East line of Section 6 and North of the South line of Section 6.

Section 7, Town 11 North, Range 17 West  
 All parcels lying Northwesterly and Northerly of South Shore Drive.

Section 12, Town 11 North, Range 18 West  
 All parcels lying Northerly and Northwesterly of South Shore Drive and Northerly and Easterly of Murray except the Waterfront Marine District.

Section 11, Town 11 North, Range 18 West  
 All parcels lying Easterly of Murray Road.

Section 2, Town 11 North, Range 18 West  
 All parcels lying Easterly of Murray Road and North of Dock Road and North of the walkway West of Dock Road.

Section 19, Town 11 North, Range 17 West  
 All parcels in Government Lots 2, 3 and 4 contiguous to Duck Lake.

Section 24, Town 11 North, Range 18 West  
 All parcels in Government Lots 1 and 2 contiguous to Duck Lake. Except that part lying North of the Channel connecting Duck Lake to Lake Michigan.

**SECTION 8.02a SITE DEVELOPMENT STANDARDS**

No main building or principal structure, nor enlargement of any main building or principal structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

1.

Front Yard Setback	Residential Uses	One-hundred (100) feet on arterial streets and fifty (50) feet on residential streets or less if the average setback requirements apply. See General Provisions (Average Setback Lines).  For corner lots, the side setback facing the street shall be fifty (50) feet.
	Nonresidential Uses	One Hundred (100) feet.
Side Yard Setback	Residential Uses	Ten (10) feet as measured to the foundation.
	Nonresidential Uses	Thirty (30) feet as measured to the foundation.
Rear Yard Setback	See General Provisions (Average Setback Lines).	
Maximum Building Height	Thirty-five (35) feet measured from the average grade.	
Lot Coverage	Twenty-five (25%) percent.	
Minimum Lot Area	Residential Uses	Thirty thousand (30,000) square feet.
	Nonresidential Uses	Two (2) acres.

Minimum Lot Width	Residential Uses	One Hundred (100) feet.
	Nonresidential Uses	Two Hundred (200) feet.
Minimum Dwelling Unit Floor Area	1120 square feet GFA / 960 square feet GFA on ground floor.	
Streams, Creeks and Lakes	No buildings shall be permitted within one hundred (100) feet from the normal ordinary high water mark of any streams, creeks, lakes or similar bodies of water except those building allowed by setback averaging. (See Section 3.31). Also, no septic tanks, tile fields or similar waste facility shall be permitted within one hundred (100) feet from the normal ordinary high water mark of any streams, creeks, lakes or similar bodies of water unless specifically mandated by the County Environmental Health Officer.	

2. Any dwelling permitted along an inland lake shall have its lowest floor, including the basement, constructed at least four (4) feet above the ordinary high-water mark.
3. Historical Setback Line. A proposed building or structure may be located the same distance from a body of water as an existing principal building that has suffered either loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) year period shall run from the date of the casualty.
4. Site plan review and recommendation for approval by the Planning Commission is required for all Subdivisions (Plats) and Condominiums, and for Land Divisions resulting in five (5) or more parcels.
5. Required Lake Frontage and Lot Width for new lots. There shall not be less than one hundred (100) feet for residential and two hundred (200) feet for non-residential of Duck Lake and White Lake frontage, as measured perpendicular or as close to perpendicular as possible to the side lot lines at the ordinary high water mark of 580.5 IGLD 1985, for each single-family dwelling, dwelling unit, cottage, any other such dwelling, lot, or parcel with lake frontage. Each lot (whether or not it has lake frontage) shall have a minimum width of one hundred (100) feet for residential and two hundred (200) feet for non-residential, which minimum lot width shall be maintained along the entire length/depth of the lot or parcel.
6. Application of Lake Frontage Requirement. The required lake frontage shall apply to all lots and parcels on or abutting Duck Lake and White Lake regardless of whether access to the lake or use of the lake is by common-fee, joint ownership, easement, park, single-fee ownership, condominium arrangement, association, license, lease or other such means.
7. Tree cutting and or removal of shore cover:
  - a. On banks facing the lake, natural vegetation should be kept where possible to help filter nutrients from ground water flowing to the lake and prevent erosion.
  - b. Selective trimming of trees and brush for a filtered view of the lake is preferred as opposed to clear-cutting within one hundred (100) feet inland of the waters edge to provide a buffer strip of deeper-rooted plants for nutrient absorption and erosion control.

- c. Natural vegetation such as trees or shrubs shall be preserved as far as practical and where removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
- 8. Private streets prohibited within the Inland Lakes District.
- 9. Shared driveways. Where more than one (1) dwelling is to be constructed (and where allowed by this Ordinance), common driveway facilities shall be considered to reduce the amount of impervious surfaces and the amount of land that is disturbed.
- 10. No Open Space Planned Unit Developments allowed in this district.
- 11. No structures or buildings shall be built or installed lakeward of the bluff line except for wooden stairs and platforms, an elevator, incline lift, residential stairway lift, or residential platform lift which provide beach access and comply with the requirements of Michigan Law, the Elevator Safety Board and the Department of Environmental Quality (DEQ). All such Items (including stairs and platforms, an elevator, incline lift, residential stairway lift, or residential platform lift) shall be approved by the Zoning Administrator. For the purposes of this section the terms elevator and lifts are used as defined by the Michigan Elevator Safety Board under Act 227 of 1967, as amended.

**SECTION 8.03a USES PERMITTED BY RIGHT**

Land and/or buildings in the Inland Lake District may be used for the following purposes as Uses Permitted by Right:

- A. Single-family dwellings.
- B. Family child care home.
- C. Home Occupations in accordance with the General Provisions requirements of this ordinance.
- D. Accessory buildings, structures and uses, as regulated by the General Provisions requirements of this ordinance.
- E. On Site Use Wind Energy System 65 feet or less in total height.

**SECTION 8.04a USES PERMITTED BY SPECIAL LAND USE**

Land and/or buildings in the Inland Lake District may be used for the following purposes following review by the Planning Commission as a Special Land Use, as regulated by this ordinance.

- A. Bed and Breakfast establishments.
- B. Public parks and playgrounds.
- C. Group child care home.
- D. Any Wind Energy System which is greater than 65 feet in height.
- E. Met Tower.
- F. Historic resorts as regulated by Section 14.04 LL herein.

**SECTION 8.05a RIPARIAN ACCESS AND WATERFRONT KEYHOLE DEVELOPMENT**

The following restrictions are intended to provide for controlled development and use of the shoreline areas in a manner which protects the character and quality of the Township’s surface water and shoreline resources; and, to prevent the overcrowding and overuse of shoreline areas and water resources which may result in nuisance conditions, degradation of property values, user conflicts and undesirable impacts

on the public health, safety and general welfare. Waterfront and access standards shall meet the following conditions:

- A. Required Frontage. In all zoning districts there shall not be less than fifty (50) feet of lake or stream frontage, as measured along the high-water mark, per each single-family dwelling, dwelling unit, cottage, condominium unit, apartment unit, lot, back lot or other such dwelling, dwelling unit residence or lot abutting, possessing or accessing water frontage.
- B. Application of Frontage Requirement. The required frontage shall apply to all lots and parcels on or abutting any lake or stream in all zoning districts, regardless of whether access to the lake or stream is by common-fee ownership, easement, park, single-fee ownership, condominium arrangement, association, license, lease or other such means.
- C. Waterfront Access via Easement, Private Park, Etc. (Keyhole Development) No easement, private park, common area, lot or access property abutting or adjoining a lake or stream shall be used to permit access to a lake or stream for more than one (1) Single family dwelling, dwelling unit, cottage, condominium unit, apartment unit, or other such dwelling, dwelling unit, residence or other such or similar use.
- D. Lot Compliance. A separate waterfront lot shall not be created unless said lot meets the minimum lot width and area standards of the zoning district.