

**ARTICLE VIIIb
NORTH DUCK LAKE OVERLAY DISTRICT**

SECTION 8.01b PURPOSE, INTENT AND COVERED AREAS

The PURPOSE of the North Duck Lake Overlay 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.

The INTENT of this overlay is to protect the North parts of Duck Lake 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 North Duck Lake Overlay District are defined as:

All that part of Duck Lake lying North of and contiguous to the North side of Duck Lake and Government Lot 1 in Sections 18 and 19, Town 11 North, Range 17 West.

SECTION 8.02b LIMITATIONS ON CONSTRUCTION

1. 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.

2. 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.
3. Site plan review for 5-9 units.
4. Required Lake Frontage and Lot Width. There shall not be less than the required lot width of Duck 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 the required lot width which shall be maintained along the entire length/depth of the lot or parcel.
5. Application of Lake Frontage Requirement. The required lake frontage shall apply to all lots and parcels on or abutting the North parts of Duck 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.
6. 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.
7. Private streets prohibited within the North Duck Lake Overlay District.
8. 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.
9. No Open Space Planned Unit Developments allowed in this district.

SECTION 8.03b 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 8.04b 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.

SECTION 8.05b 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, planned unit development (PUD) 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 underlying zoning district.