

ARTICLE VIa

LAKE MICHIGAN SHORELINE DISTRICT

SECTION 6.01a PURPOSE, INTENT AND COVERED AREAS

The PURPOSE of the Lake Michigan Shoreline District is to regulate and protect the unique natural qualities, environmentally sensitive areas, hydrologic functions, and significant natural features located near Lake Michigan and to preserve the low-density residential and natural character of the area through lessening adverse urban influences and preserving open space. 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. Should the requirements of this district conflict with, vary from, or differ from the requirements of other portions of this Ordinance, the stricter or more stringent ordinance provision shall apply.

The purpose of this district is based on the recognition that:

1. The economic and environmental well being and health, safety, and general welfare of Fruitland Township is substantially dependent on and connected with the preservation of its Lake Michigan shoreline area.
2. The shoreline area has unique physical, biological, economic, and social attributes.
3. Future land development and redevelopment should not be conducted at the expense of these very positive lake shoreline attributes.
4. Property values will be enhanced as the natural features of the shoreline area are protected and preserved.
5. Pollution, impairment or destruction of the shoreline area and the adjacent dunes, bottomlands, aquifers, and waters of Lake Michigan should be prevented.

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

1. Effectively control and prevent the unreasonable development of shorelands and nearby areas.
2. Protect both surface and ground water quality.
3. Prevent flooding.
4. Ensure that any structure will not itself contribute to erosion problems along the shoreline.
5. Preserve the dunes in their natural state and restrict development of them.
6. Encourage the design, construction, and alteration of dwellings to be in harmony with the natural environment.
7. Protect the natural beauty and natural function of Fruitland Township's shore area environments.
8. Minimize the financial hardships that individuals and local governmental units suffer due to erosion.
9. Prevent threats to the public safety, health and welfare of the residents and property owners within this overlay district.

10. Minimize conflict between the occupants and users of adjoining properties and between various uses and users.
11. Prevent and protect against the overuse of the Lake Michigan shoreline and nearby areas, and reasonably regulate access to Lake Michigan.
12. Implement relevant opinions of Fruitland Township's Master Plan.

The COVERED AREAS of the Lake Michigan Shoreline District include the shorelands along Lake Michigan and nearby areas, and generally applies to properties from the Lake Michigan water's edge to the centerline of the road right-of-way of Scenic Drive and to the centerline of Murray Road from River Road as extended west to Lake Michigan north to the White Lake Channel. This applies to the following portions of Fruitland Township:

That pan of Sections 2, I 1, 12, 13, 24 and 25 of Town I 1 North, Range 18 West lying Westerly and Southerly of the centerline of Murray Road and Scenic Drive, together with that part of Sections 30 and 31 of Town II North, Range 17 West lying Westerly of the centerline of Scenic Drive.

SECTION 6.02a USES PERMITTED BY RIGHT

Land and/or buildings in the Lake Michigan Shoreline 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 6.03a USES PERMITTED BY SPECIAL LAND USE

Land and/or buildings in the Lake Michigan Shoreline 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 6.04a SITE DEVELOPMENT STANDARDS

1. No main building or principal structure, nor the 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.

Front Yard Setback	<p>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).</p> <p>For corner lots, the side setback facing the street shall be fi 50 feet.</p>
Side Yard Setback	Ten (10) feet as measured to the foundation.
Rear Yard Setback Non-Lakefront Lot	Fifty (50) feet.
Rear Yard Setback/Lakefront Lot	See General Provisions Average Setback Lines.
Maximum Building Height	Thirty-five (35) feet measured from the average finished grade.
Lot Coverage	Twenty-five (25%) percent.
Minimum Lot Area	Residential Uses One acre (43,560 square feet)
	Non-Residential Uses Two (2) acres
Required Lake Frontage and Lot Width	There shall not be less than one hundred five (105) feet of Lake Michigan frontage, as measured perpendicular or as close to perpendicular as possible to the side lot lines at both the crest of the bluff and 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 five (105) feet, which minimum lot width shall be maintained along the entire length/depth of the lot or parcel.
Minimum Dwelling Unit Floor Area and maximum garage size	1,120 square feet GFA/960 square feet GFA on ground floor. In addition to the accessory buildings and structures permitted herein, each single-family and each two-family dwelling may provide one garage for use by the occupants of each dwelling unit. The garage may be attached to the dwelling or detached from the dwelling. The maximum size of such garage shall not exceed 1,000 square feet.
Lot Compliance	No waterfront lot or parcel shall be created unless said lot or parcel meets the minimum lot width, area, and dimensional standards and requirements of this district, in addition to the above-mentioned lake front requirements.

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. 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.
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2. 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.
3. Application of Lake Frontage Requirement. The required lake frontage shall apply to all lots and parcels on or abutting Lake Michigan shoreline or waters of the 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.
4. All structures and buildings installed or built (or expanded) within the Lake Michigan Shoreline Overlay District shall conform to the following standards related to the natural topography and vegetation of the bluffs and dunes.
 - a) 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 term elevator and lifts are used as defined by the Michigan Elevator Safety Board under Act 227 of 1967, as amended.
 - b) Any dwelling constructed shall have its lowest floor, including basement, at or above elevation 590.5 feet IGLD 1985. See Section 6.06a hereof.
 - c) On the stabilized natural slopes of the primary dunes and on all secondary dunes where vegetation is firmly rooted and where grades exceed twelve (12%) percent, development shall occur only as follows:
 - i. Where the dwelling is situated on a slope, construction shall be based on platform or other non-distributing building designs. Basements must be fully above grade level permitting full height windows.
 - ii. Building pads are to be limited to a maximum of two thousand (2,000) square feet, including both primary and accessory buildings.
 - d) On the stabilized natural slopes of the secondary dunes, where grades are less than twelve (12%) percent, development may follow conventional construction practices subject to the provisions in this subsection D, as specified below.

Design and construction of all structures shall, to the greatest extent possible:

- i. Preserve the natural vegetation holding the sand.
 - ii. Fit structures to the natural contour of the land, so as to minimize land disturbing activities and site work.
 - iii. Shape contours so as to merge with the existing terrain, where grading is necessary.
 - iv. Avoid steep banks and sharp corners.
 - v. Disperse runoff, or where intensive runoff is unavoidable, utilize intensive vegetation stabilization plantings or other means and materials to prevent erosion.
- 5. Tree cutting and/or removal of shore cover.
 - a) Natural vegetation 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.
 - b) Natural vegetation shall not be cleared, cut, nor destroyed from more than thirty (30%) percent of the total setback area. The removal of such thirty (30%) percent shall not create clear-cut openings totaling more than thirty (30) feet for each one hundred five (105) feet of perpendicular lot width.
- 6. No sand or soil shall be unreasonably removed or relocated, and no bluff or sand dune shall be unreasonably cut down in elevation. Fill shall not unreasonably raise the natural grade. Fill permit and soil erosion control permits shall be obtained as necessary from the appropriate local, county, state, or federal entities.
- 7. Private Streets are prohibited within the Lake Michigan Shoreline District.
- 8. Shared Driveways: Where more than one (1) dwelling unit 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 6.05a WATERFRONT ACCESS, USE, AND RELATED MATTERS

- 1. Waterfront Access (also commonly referred to as funneling or key-holing) is defined as:
 - a) The use of a Lake Michigan waterfront property, parcel or lot for lake and/or beach access or use by the occupants or owners of non-waterfront property, parcels or lots; or
 - b) The use of a Lake Michigan waterfront property, parcel, or lot by more than one family by means of an easement, park, common area, joint ownership property, common fee ownership, single fee ownership, condominium arrangement, association, lease, license, or other means.
- 2. Waterfront Access Controls
 - a) Funneling can be harmful to the public health, safety and welfare and constitutes an improper use of land and natural resources in that it causes accelerated erosion,

destruction to dune habitat, overcrowding of lakes, streams and lands adjacent to them, contributes to pollution and degradation of public waters, creates hazards to life and property by increasing the risk of boating accidents, adversely affects the recreational experiences of both riparian's and the general public, causes conflict among users, and adversely impacts the property values of shoreline properties located near funnel developments.

- b) It is the declared purpose of this Section 6.05a to regulate waterfront access and use so as to protect the health, safety and general welfare of the citizens of Fruitland Township, and in particular those within this overlay district, and carry out the intent of the Township Zoning Act.
- c) Please see Section 6.06a hereof with regard to the measurement 580.5 IGLD 1985 and other terms contained in this Section 6.05a.

3. Waterfront Access Standards

- a) Any residential development or group of lots or properties in the Lake Michigan Shoreline District which has or shares a Lake Michigan common area, property, or lot shall not allow more than one (1) dwelling unit to the use of each one hundred five (105) feet of Lake Michigan frontage in the common lakefront area as measured perpendicular to the side lot lines (or nearly perpendicular as possible) at the ordinary high-water mark of 580.5 IGLD 1985 and also at the crest of the bluff. This property must be used exclusively for shared waterfront access (or use) for one single family dwelling, but not both. It shall be a buildable area and must also meet the minimum standards and dimensions of the underlying Zoning District within which it is located.

In addition to the special requirements of these waterfront access standards, the common lakefront area must also meet all other requirements of a buildable lot, parcel, or condominium unit. Access to the Lake Michigan shoreline may be shared only by the record owners of lots or condominium units of a development or land situated or residing on the Lake Michigan side of Scenic Drive or Murray Road. A shared/common lakefront area must be exclusively dedicated to common use only, with no principal buildings or units permitted thereon (i.e., the land must remain vacant). The lake frontage of the common lakefront area must be defined /measured along the Ordinary High-Water Mark of 580.5 IGLD 1985.

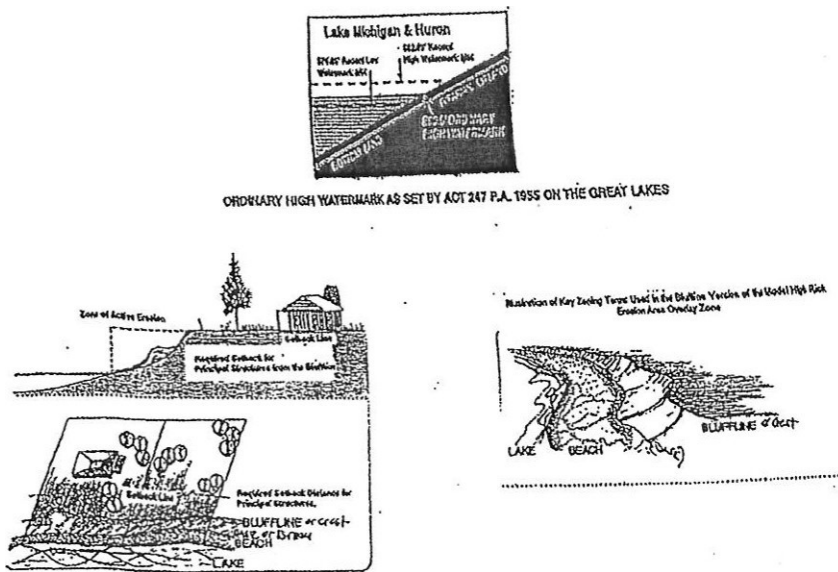
These restrictions shall apply to any lot, parcel, or property regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, association arrangement, joint ownership, lease, general common element assignment by site condominium or other condominium arrangement, or other means.

- b) On common waterfront sites with lake frontage greater than three hundred (300) feet, vegetative buffers may be established of sufficient size and location to afford adequate screening from adjacent properties.
- c) No boats or watercraft shall be kept, moored, or stored on, along, or at the shoreline or lakefront (i.e., between the lake waters and the base of the dune) or on any lot or parcel

which is a common area, private park, easement, or other joint use property. No facilities for launching watercraft from the common waterfront site or waterfront access property shall be permitted.

- d) Overnight vehicle parking and the use of camping tents, motor homes and trailers shall not occur on a common waterfront site or waterfront access property.
- e) In addition, the following overall requirements shall also be applicable:
 - i. There shall be at least one hundred five (105) feet of Lake Michigan frontage as measured along the ordinary high-water mark of the lake for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake. The lot width as measured perpendicular to the side lot lines (or as nearly perpendicular as possible) at the ordinary high-water mark of 580.5 IGLD 1985 shall be at least one hundred five (105) feet.

SECTION 6.06a ILLUSTRATIONS



ORDINARY HIGH WATERMARKS SET BY ACT 247 P.A. 1955 ON THE GREAT LAKES

- Adopted: July 26, 2006
- Amended: October 17, 2006
- Amended: March 19, 2007
- Amended: September 17, 2007
- Amended: December 17, 2007
- Amended: May 18, 2009
- Amended: January 18, 2010
- Amended: February 11, 2013

Amended: August 21, 2017
Amended September 16, 2019