

**MEMORANDUM**  
**LONG LAKE TOWNSHIP PLANNING**  
**DEPARTMENT**

TO: Planning Commission

FROM: Leslie Sickterman, Township Planner

DATE: July 23, 2010

RE: Zoning Ordinance Updates – Lakefront Standards

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Please find attached a chart of waterside standards for several area communities. A summary of each and of Long Lake's standards are included.

I hope for this preliminary discussion on waterfront standards to determine which areas we will be opening up for review and a general idea of what additional information you need or generally what kind of amendments you would like me to begin drafting for your consideration.

<b>Township</b>	<b>Setbacks from Waterfront</b>	<b>Required Vegetative Strip</b>	<b>Waterside Decks</b>	<b>Other</b>
Acme Township	50 feet	First 35 feet tree cutting is limited: -no more than 30% of length of the parcel may be cut -natural vegetation (shrubs and grasses) to be retained as much as possible -no clear openings greater than 30 feet wide for every 100 feet of shoreline -paths are permitted (designed to limit erosion)	Not addressed	Keyholing permitted
Blair (Boardman Valley District)	100 feet 50 feet from crest of bluff	First 50 retained in vegetative strip: -trees and shrubs may be pruned with Twp approval -Dead or noxious plants may be removed -Selective removal for forest management purposes	Not addressed	Maximum lot coverage 10%
East Bay	50 feet	Native vegetation must be retained or reestablished on 80% of the area 30 feet inland from the shoreline and 50% retained over the next 20 feet	Permitted in setback w/conditions: -between 6" – 60" above grade -max area of 200 square feet -no roof or impervious surface	Site plan required for any development of 2 or more units/lots. Tree survey/inventory, environmental assessment & landscape plan required
Green Lake	60 feet	Not addressed	Permitted in setback w/conditions: -max area 200 square feet	-Gazebo or shed at waters edge in some circumstances, requires Planning Commission approval -Steps or walkway to water's edge permitted, must 6 feet or less in width -Keyholing prohibited
Garfield		First 35 feet maintained in vegetative strip: -Dead or noxious vegetation may be removed -Chemical control or fertilizing prohibited -Ground cover must be left in natural state	Not addressed	If filling or grading w/in 200 feet, special conditions apply
Paradise	100 feet 50 feet from crest of bluff	Natural strip must be maintained for first 50 feet along riverfronts -Trees and shrubs may be filtered for view of river -Select cutting allowed for forest management -Dead or noxious vegetation may be removed	Not addressed	Maximum lot coverage 15%

Township	Setbacks from Waterfront	Required Vegetative Strip	Waterside Decks	Other
Whitewater (Boardman River)	50 feet	No cutting of existing trees and shrubs within 50 foot buffer unless approved by the Zoning Board of Appeals -fencing, grazing, riding trails, and soil tilling for farm crops prohibited within managed strip	Not addressed	
Long Lake	50 feet 100 feet in Natural Lakefront District	No provisions in Lake Residential District In Natural Lakefront District the following applies: -Artificial beach allowed 15 feet from shore on up to 10% of lakefrontage -Buffer strip must be maintained for first 50 feet <i>See restrictions and preferences in Section 9.5.10 (attached)</i>	In Lake Residential District, Permitted in setback w/conditions: -between 6" – 60" above grade -max area of 300 square feet -no roof or impervious surface -must also provide a minimum of 1500 square feet of naturalized area within 30 feet of waters edge	15% coverage permitted in Lake Residential District 10% coverage permitted in Natural Lakefront District

- b. Location of all existing and proposed structures dimensioned with their distance to the property lines and other structures noted,
  - c. Location of the ordinary high water mark,
  - d. Easements of record and
  - e. The location and sizes of all existing vegetation and notations as to whether it is to be removed or remain.
2. **Site Plan Approval.** Site plan approval is required for all permitted uses in the NL District except for those listed in **Section 9.4, 1**, above. All site plan applications shall meet the requirements of **Article 24** Site Plan Review and all other applicable articles in this Ordinance.

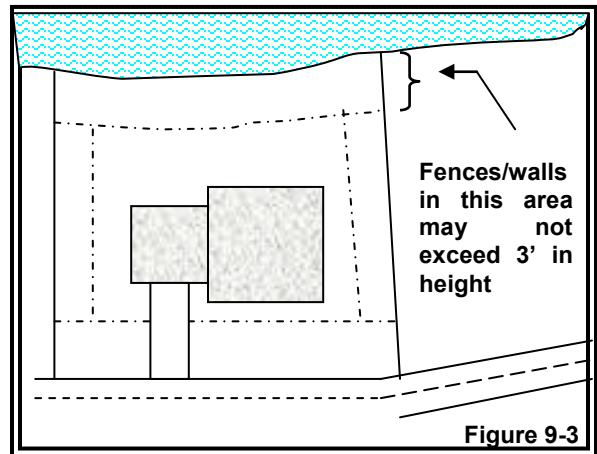
## **SECTION 9.5 DEVELOPMENT STANDARDS**

All property within the NL District shall conform to the applicable provisions of this Ordinance and the standards listed below. In the case of a property located in more than one (1) zoning district, the provisions of this section shall apply only to that portion of the property located in the NL District.

1. **Artificial Beach Areas.** Artificial Beach areas shall be reviewed as provided herein:
  - a. Artificial beaches located below the ordinary high water mark are regulated by and subject to the conditions and requirements of the Grand Traverse County Drain Commissioner and the Michigan Department of Environmental Quality (MDEQ).
  - b. Artificial beaches located above the ordinary high water mark are subject to approval of the Grand Traverse County Drain Commissioner and the following restrictions.
    - 1) Artificial beaches may not exceed fifteen (15) feet in depth as measured perpendicular to the ordinary high water mark and equal in width to ten percent (10%) of the length of the water frontage of the lot or ten (10) feet, which ever is greater.
    - 2) Any such area used for an artificial beach area shall reduce the total area which may be cleared of native vegetation in the buffer strip as set forth in Section 9.5, 11,
    - 3) Said artificial beach area shall be placed above the existing ordinary high water mark.
    - 4) As a condition of plot plan, site plan or conditional land use approval for new development or redevelopment (both as defined in Section 9.5, 10) with an existing artificial beach, that existing artificial beach shall meet all zoning Ordinance requirements specified in this paragraph for a new artificial beach.
2. **Buildings and Structures.** Except as provided in this section and in Section 9.5, 9 of this Ordinance, no new or substantially remodeled buildings, principal or accessory uses, or structures, permanent or temporary, shall be erected within one hundred (100) feet of the ordinary high water mark of Bellows, South Twin and Cedar Lakes. Provided, however, stairways, stairway landings and deck paths not more than five (5) feet in width, and pump

houses or enclosures not to exceed three (3) feet in height, three (3) feet in width, and three (3) feet in length shall be permitted within the waterside setback, provided that such stairways, stairway landings and pump houses or enclosures shall comply with all required side yard setbacks.

3. **Docks.** A dock that is removed and replaced either on a seasonal basis or periodically shall be located in conformance with the terms of this paragraph. No structure greater than thirty (30) cubic feet in total volume shall be permitted to be placed on, or affixed to, a dock. Storage of petroleum, gasoline, lubricants or other hazardous or toxic substances on a dock shall be prohibited. No dock shall be constructed within the side setbacks of the property on which it is located unless the adjoining property owners agree to the location of the dock or docks in writing.
4. **Fences and Walls.** All fences and walls that generally parallel the side lot lines and are located within the waterside side setback area shall be no more than three (3) feet in height measured from the established grade. Seawalls, abutments and other similar walls or structures which significantly extend or reduce the land area or redefine the ordinary high water mark or the shape of a shoreline, shall be prohibited.
5. **Lighting.** All exterior lighting fixtures shall incorporate full cutoff shielding as defined herein installed to deflect any light away from adjoining properties, properties located on an opposite shoreline, buffer strips, water surfaces and the night sky.
6. **Lot Area Ratio.** All new lots with an area greater than one (1) acre, but less than forty (40) acres shall have a maximum depth to width ratio of four to one (4:1) and lots with an area of one (1) acre or less, shall have a maximum depth to width ratio of three to one (3:1).
7. **Vegetation Removal and Land Grading.** The removal of any vegetation and the grading, filling or balancing of more than three-hundred (300) square feet of land located within fifty (50) feet of the ordinary high water mark shall comply with all applicable Articles within this Ordinance and with sub-paragraph 9.5.11 of this Article.
8. **Waterside Lots.** All new waterside lots shall have a minimum of two hundred (200) contiguous feet of water frontage.



9. **Non-Conforming Waterside Lots.** On nonconforming waterside lots in the NL District where a reasonable building envelope, as defined herein, cannot be achieved in compliance with the setback regulations of Section 9.3.4, the following setback requirements shall be met:

<b>Front Setback:</b>	The greater of the front setback of the existing dwelling (if any), or 10 feet.
<b>Side Setback, either or both sides:</b>	The greater of the side setback(s) of the existing dwelling (if any), or 10 feet.
<b>Waterside Setback:</b>	100 feet
<b>Rear Setback (non-waterside lots):</b>	40 feet.

In no event shall the setback standards in this subparagraph result in a setback requirement greater than the standards for lots that meet the minimum district dimensional standards set forth in **Section 9.4** of this Ordinance.

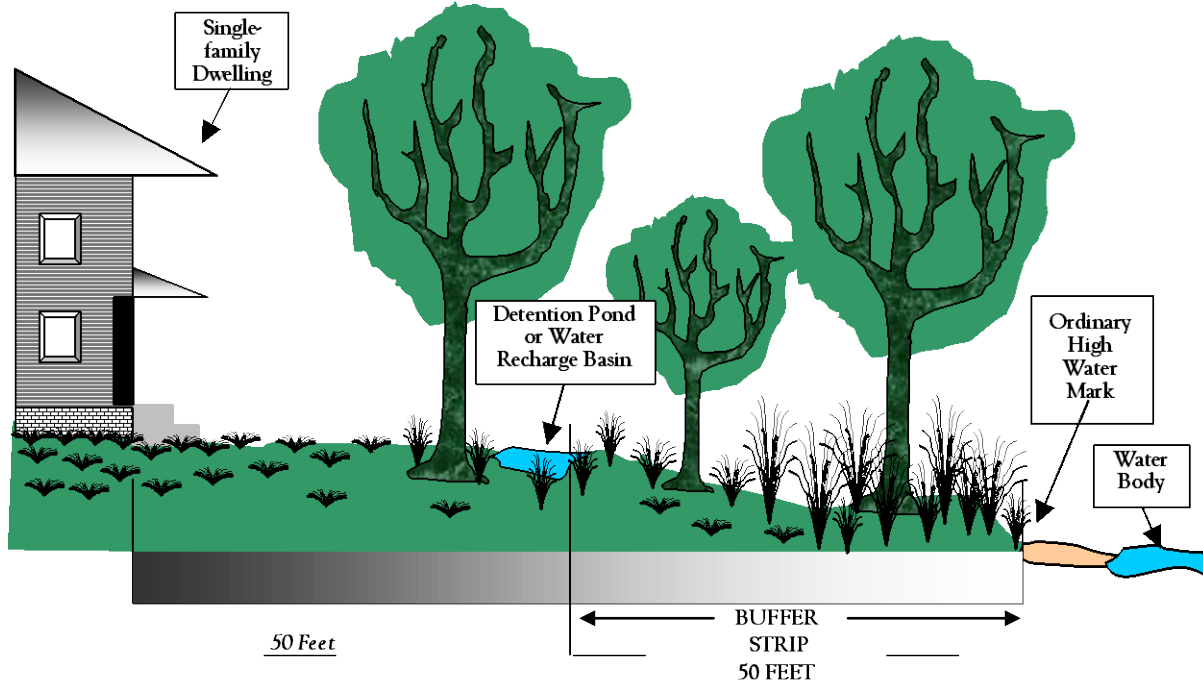
10. **Buffer Strip.** In order to protect water quality, preserve sensitive wildlife habitat, and reduce soil erosion and sedimentation, any proposed new development or, as a condition of plot plan, site plan or conditional land use approval, any redevelopment (both as defined in this subsection) shall be separated from any important water body, as defined herein, by a buffer strip a minimum of fifty (50) feet wide, as described below.

For the purposes of this subsection development or redevelopment shall be defined as any of the following:

- ◆ The enlargement of the principal building square footage by more than 50% of the existing building square footage.
- ◆ The demolition of an existing principal building and the building of a new principal building
- ◆ The creation of any new lot
- ◆ The building of any principal building on a vacant lot.

A limited amount of improvement may be permitted within the strip as described below and illustrated in Figure 9-4.

a. Buffer Strip. The depth of the buffer strip shall measure fifty (50) feet from the ordinary high water mark. This area is extremely sensitive and must be treated carefully when considering vegetation removal. Mature trees provide shade to the water’s surface and offer a more temperate environment for aquatic and shoreline habitats, while tall brush and various shrubs furnish a nurturing environment for nesting birds and foraging mammals, and serve as a protective cover against weathering elements.



**Figure 9-4. Buffer Strip – Profile View**

Therefore, the removal of any vegetation within the buffer strip shall be limited to an area equal in width to ten percent (10%) of the length of the water frontage of the lot, or ten (10) feet, which ever is greater. No contiguous area of clearance shall be wider than thirty (30) feet.

Consistent with sub paragraph 9.5, 11, b, as much as possible of the mature vegetation shall be preserved. Areas within this strip that do not include abundant native vegetation so as to permit relatively unimpeded pedestrian access to the water and/or to permit a virtually open view of the water from the principal structure, shall be included as a portion of the total clear area. Features permitted in the buffer strip shall include footpaths constructed of permeable materials, stairways, fences and walls. The buffer strip may not be used for the dumping of brush, clippings, fill dirt, trash, debris or other materials.

- b. Vegetative Cover Preservation, Restoration and Clearing Standards. Natural and native vegetation shall be preferred in the buffer strip. Turf grass and other vegetation that requires artificial fertilization shall be minimized and, where proposed, shall be contoured to prevent direct runoff of fertilizers and artificial nutrients into Bellows and Cedar Lakes. Selective trimming and maintenance of native vegetation shall be permitted as needed for the health of the species and to provide a filtered view of the water. Where natural and native vegetation has been removed, a site or plot plan shall provide for the restoration of as much of the natural and native vegetation as possible within the buffer strip. In the event clearance of natural vegetation is proposed, the following standards shall be used to guide the selective clearance of vegetation within the buffer strip:

- 1) **Removal MOST Preferred:** Dead, dying, diseased or damaged shrubs or trees constituting a hazard to life, property or healthy vegetation.
- 2) **Removal NEXT Preferred:** Scrub thickets, brushwood and shrubs as well as various trees with diameter at breast height (DBH) of less than six (6) inches and/or a height of less than six (6) feet.
- 3) **Removal LEAST Preferred:** Deciduous and conifer trees with a six (6) inch DBH and/or a height of at least six (6) feet, as well as native ground cover species.