

### 36-3.1.21 Riparian District

#### A. Intent

The Riparian District is designed to permit the safe and appropriate use of land customarily associated with waterfront development. The purpose of these regulations is to recognize the unique physical attributes of riparian and shoreline properties and to ensure that the structures and uses in this district are compatible with and protect these unique attributes. This ordinance has been established to:

- i. Promote and maintain safe and healthful conditions and prevent and control water pollution through:
  - a. Establishing minimum lot size to provide adequate area for private on-site water systems and the potential for on-site wastewater systems, if necessary.
  - b. Controlling filling and grading to prevent soil erosion problems.
  - c. Limiting impervious surfaces to control runoff which carries pollutants.
- ii. Control building sites, placement of structures, and land use through:
  - a. Prohibiting certain uses detrimental to water resources.
  - b. Setting minimum lot sizes, frontage, setbacks from waterways.
  - c. Setting the maximum height of near shore structures.
- iii. Preserve and protect water resources and the natural scenic beauty through:
  - a. Preventing shoreline encroachment by structures.
  - b. Regulating the use and placement of structures.
  - c. Controlling shoreline alterations, dredging, and other earth moving activities.

#### B. Principal Permitted Uses

- i. Single-family dwellings
- ii. Family day care homes
- iii. Class A Home occupations
- iv. Accessory uses or structures

#### C. Special Exception Uses

- i. Places of worship
- ii. Publicly owned and operated buildings and uses necessary for the service of the community including community buildings and public parks, playgrounds, other passive or active recreational areas
- iii. Class B Home occupations
- iv. Family adult foster care home
- v. Planned Unit Development

## **D. Development Standards**

### Lot Size

Minimum lot area:

With sewer, excluding frontage onto county primary roads: 10,800 sq ft

All other lots: 35,800 sq ft

### Lot Frontage

Riparian lots:

Minimum lot frontage riparian side with sewer: 60 ft

Minimum lot frontage riparian side without sewer: 110 ft

Minimum lot frontage road right-of-way: 30 ft

Non-Riparian lots:

With sewer, excluding frontage onto county primary roads: 110 ft

All other lots: 165 feet

### Lot Coverage

Maximum lot coverage for lots with sewer:

Principal buildings: 25%

Accessory buildings/structures: 15% of rear and side yard

Maximum lot coverage for all impervious surface: 50%

Maximum lot coverage for lots without sewer:

Principal buildings: 15%

Accessory buildings/structures: 10% of rear and side yard

Maximum lot coverage for all impervious surface: 40%

Front yard accessory buildings: See Section 36-4.1

### Setbacks

Principal building:

Minimum front yard setback: 60 feet

Minimum rear yard setback: 20 ft

Minimum side yard setback: 12 ft

Accessory building:

Minimum front yard setback: See subsection F herein.

Minimum rear yard setback: 15 feet

Minimum side yard setback: 5 feet

### Building Height

Maximum building height: 35 ft

Accessory buildings: 20 ft

### Floor Area

Minimum floor area per dwelling: Single Family, 1 story 1,000 sq ft  
Single Family, 2+ stories 900 sq ft (first floor) 1,200 sq ft (total)

### **E. Prohibited Uses**

- i. Above ground swimming pools in the front yard.
- ii. Use of watercraft as living quarters.
- iii. Short-term rentals (anything less than 90 consecutive days).

### **F. Supplemental Development Regulations**

- i. Lots of Record. If an existing lot of record is changed in any way through a combination of land, property line adjustment, or lot division, the lot of record status will be revoked, and all current development standards must be met.
- ii. Lots of Record 60-Feet or Less. For lots of record that are 60 feet or less in width at the front yard setback, the following development standards shall apply:
  - a. Side yard setbacks may be reduced to nine (9) feet.
  - b. The maximum permitted height shall be reduced by one (1) foot for every one (1) foot the side yard setbacks are less than 12 feet.
  - c. An eave of up to two (2)-feet on each side of the principal building may be extended into side yard setbacks.
  - d. Maximum lot coverage of the principal building may be a maximum of 25%. All other lot coverage requirements of this district shall apply.
- iii. Yards. The front yard of a riparian lot shall be that portion of the lot abutting the water resource. The rear yard shall be that portion of the lot abutting the road right-of-way.
- iv. Frontage. Frontage shall be continuous, whether riparian or road right-of-way. Riparian frontage shall be measured by a straight line running between both property lines at the ordinary water elevation established herein. If the ordinary water elevation has not been established, frontage shall be measured at the ordinary high-water mark, which shall be determined by the Zoning Administrator, or their designee.
- v. Setbacks.
  - a. Front Yard Setbacks. Front yard setbacks shall be measured from the ordinary water elevation established in the Elevation Table herein. If the ordinary water elevation has not been

established, setbacks shall be measured from the ordinary high-water mark, which shall be determined by the Zoning Administrator, or their designee.

36-5.4.2 Elevation Table—DATUM: (NAVID '88)	
Bass Lake:	
Benchmark (Brass Cap): Located in sandy beach at the foot of the hill of the Cub Camp Administration Building. Go down steps to the N of building to Klepper's Water Front Building. Then from the bottom of the steps to the beach at the N corner of the last concrete step, head W 91'± to monument. Monument is N of face of 12-inch poplar, 14.2', and ENE of face of 12-inch red oak 42'±.	
N--262380.8431 ; E--12767200.1560	
Ordinary water elevation--883.13 feet	Elevation of benchmark--883.13 feet
Crooked Lake:	
Benchmark (Brass Cap): Located at 184 W. Crooked Lake Drive. 2'± N of sea wall; 6'± E of property line.	
N--None ; E--None	
Ordinary water elevation--893.87 feet	Elevation of benchmark--897.15 feet
Eagle Lake:	
Benchmark (Brass Cap): Located approximately East, 24.7' from the existing 4' tall chain link fence; North 30 degrees East, 70.3' from the South end post of said fence; South 85 degrees West, 61.4' from the Westerly support post for the Eagle Lake sign; and South 26 degrees West, 292' from the Southeast corner of the vault toilet.	
N—265122.70 ; E—12755266.69	
Ordinary water elevation—899.26 feet	Elevation of benchmark—900.34 ft
Paw Paw Lake:	
Benchmark (Brass Cap): Mag Nail located in the Northwest side of a 36" Oak Bearing North 56 degrees East, 75.05'; Mag Nail in the South side of an 18" Maple Bearing South 77 Degrees East, 50.08'; The Northerly corner of a 4"x4" wood post Bearing South, 2.6'; Mag Nail in the Southwest side of a 6" Maple Bearing North 22degrees West, 77.75'.	
N--245711.8521 ; E--12747534.4031	
Ordinary water elevation--871.59 feet.	Elevation of benchmark--873.06 feet
Pretty Lake:	
Benchmark (Brass Cap): Located at 178 Pretty Lake Drive. 2' S; 2' E of the NW corner of steel sea wall.	
N--256374.4197 ; E--12755284.8662	
Ordinary water elevation--901.51 feet.	Elevation of benchmark--903.76 feet
Scouter's Pond:	
Ordinary water elevation--879.86 feet (Elevation recorded at outlet control structure invert on NE side of Scouter's Pond.)	

- b. Front Yard Setback Calculations. The location of the ordinary water elevation may vary on a particular lot. To determine setbacks, the closest and farthest points of the ordinary water elevation shall be averaged to determine the required 60-foot distance.

*(Insert a drawing example with calculation)*



Closest distance = 35.3 feet  
Farthest distance = 47.4 feet  
Lot Average = 41.35 or 41 feet

- c. Front Yard Setback Exemptions.

- (1) Setback Averaging for Principal Structures on Lakes. Principal structures located on lakefronts may utilize the average setback of adjacent improved properties within 250 feet of either side of the subject lot. To determine average setback, documentation from a surveyor, engineer, or other building professional, must be provided to the Township showing the setbacks of adjacent structures from the closest point of the ordinary water elevation to the existing structure on the adjacent lots. In no case shall a principal structure be located closer than 30 feet to the ordinary water elevation.
- (2) Allowable Structures. The following buildings and/or structures may be located at a 30-foot setback from the ordinary water elevation per the following requirements and within the allotted accessory building lot coverage for the lot:
  - (A) One accessory storage building per lot with a footprint no greater than 80 square feet and a height of (six) 6 feet to the peak of the roof. The foundation of the structure may be no taller than six (6) inches above the ground.
  - (B) Accessory structures that are fully open sided from the base of the structure to the roof such as gazebos, pergolas, and temporary screened enclosures with a footprint

no greater than 200 square feet and a height of eight (8) feet to the peak of the roof. The foundation of the structure may be no taller than six (6) inches above the ground.

(C) Accessory decks (not attached to the principal structure) and patios no taller than 18 inches above the ground.

(D) Below-ground swimming pools with ladder attachments that are no taller than 36 inches above the ground. All mechanical and support equipment shall be located on the side of the pool nearest to the principal structure and must be placed within a fully enclosed shelter with a footprint no larger than 32 square feet and a height of four (4) feet, unless utilizing the allowable 80 square foot accessory building permitted in the front yard as noted herein. Fencing shall meet the requirements of front yard fencing noted herein.

(3) Walkways and/or Stairways. Walkways and/or stairways that are necessary to provide pedestrian access to the shoreline and are no greater than 60-inches in width with handrails and/or railings that are constructed to the standards required by the applicable building codes. **Landing areas shall be no more than 48 square feet.**

vi. Landscaping and Fences.

a. Fences on riparian lots may be placed on the property line and must meet the following:

(1) Within 20 feet of the road right-of-way line, the fence may be a maximum of four (4) feet in height and no more than 50 percent opaque.

(2) 20 feet from the road right-of-way line to the farthest edge of the principal building (excluding any attached decking) facing the riparian yard, the fence may be six (6) feet tall and fully opaque.

(3) From the farthest edge of the principal building (excluding any attached decking) to the water's edge, the fence may be a maximum of four (4) feet in height and no more than 50 percent opaque.

b. Any landscape material planted within 30 feet of the high-water mark must be of a variety that does not exceed a height of four (4) feet. Evergreen trees are prohibited within 30 feet of the high-water mark.

vii. Docks and Boat Shelters.

a. One temporary dock ~~and/or boat shelter~~ shall be permitted per lot **and shall meet all State of Michigan requirements.**

- ~~b. The temporary dock and/or boat shelter must be centralized to the lot or have a minimum setback distance one half the length of the dock from the side property line.~~
  - c. The temporary docks and/or boat shelters shall not be a hazard to navigation on the lake or interfere with the rights of other riparian property owners to reasonably use the lake.
- viii. Seawalls and Bulkheads. Bulkheads or seawalls are permitted, provided State of Michigan requirements are met, and the proper permits secured.
- ix. Environmental Protection Requirements. To protect natural scenic beauty, fish and wildlife habitat, and water quality, the following environmental protection requirements shall apply to all development adjacent to any water resource, including wetlands and the 100-year floodplain.
- a. Riparian Buffer Zone.
    - (1) Riparian Buffer Zone Defined. A buffer of 30 feet measured horizontally from the ordinary water elevation shall be required for all water resources except a wetland and the 100-year floodplain, which shall require a 50-foot buffer zone.
    - (2) Riparian Buffer Zone Requirements.
      - (A) The riparian buffer zone shall be shown on any new subdivision plat or site condominium plan and shall be delineated as part of any lot or building site with the new development.
      - (B) No structures, except for a fence, pedestrian walkways, temporary docks and/or boat shelters as noted herein, shall occur within the riparian buffer zone.
      - (C) No fill material or debris shall be placed in the riparian buffer during any construction on the lot.
      - (D) No fertilizers or other chemicals that will destroy or adversely affect the natural vegetation may be applied or used within the riparian buffer zone. This does not apply to the treatment invasive species by a licensed applicator who has received a proper permit from the State of Michigan.
      - (E) Existing vegetation shall be maintained within the buffer zone to help prevent erosion and flooding. If vegetation must be removed as allowed in subsection ix.a.(3)(C) herein, restoration is required.
    - (3) Riparian Buffer Zone Permitted Activities.
      - (A) Routine maintenance of vegetation and any existing nonconforming buildings or structures.

(B) Removal of trees and shrubs to create access and viewing corridors 35 feet in width for every 100 feet of shoreline frontage.

(C) Removal of exotic or invasive species, damaged or diseased vegetation, or vegetation creating an imminent safety hazard.

(4) Restoration. If development causes any disturbance within the riparian buffer zone, the property owner shall undertake restoration and mitigation measures to restore any damaged or lost natural resources. Replacement vegetation must be native to the area and should be deep-rooted and re-established immediately after removal.

b. Drainage and Soil Erosion.

(1) Natural drainage courses shall be protected from grading activity. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved in their natural state to provide areas for natural habitat, preserve drainage patterns, and to maintain the natural characteristics of the land. For any construction or other activity that results in a change of the existing grade near these natural drainage courses, the landowner must provide a written storm water collection/drainage plan to the Township for review and receive the proper permits from the Kalamazoo County Drain Commissioner before earthwork begins.

(2) Each lot must manage storm water in a way that it is retained on the lot. Any change to the drainage patterns of the lot must be designed to ensure that surface water is maintained onsite.

(3) Slopes created by grading shall generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance. All slopes shall be properly stabilized to prevent erosion and the destruction of natural vegetation.

(4) Soil erosion control measures shall be established to protect the riparian buffer zone and water resource from deterioration.

c. Filling, Grading, Lagooning, Dredging, Ditching, and Excavating. These activities must follow the State of Michigan laws and rules related to inland lakes and streams.

x. Beaches.

a. Prohibition on New Artificial Beaches. No placement of sand or other materials to create a new beach, other than beaches formed entirely through natural processes, shall be permitted.



- b. Existing Beaches. Existing beaches may be maintained, but the addition of new sand must be reviewed and approved by the Township through a Zoning Review application to ensure storm water will continue to be managed onsite.
  
- xi. Riparian Access (Contra-Funneling).
  - a. Prohibited Access. To protect the characteristics, appearance, and quality of lakes, as well as reducing impacts such as excessive noise, damage to habitats, and shoreline erosion, the use of riparian lots for the purpose of providing access to non-riparian property owners through a “keyhole or funnel” development is prohibited unless provided herein.
  - b. Park or Open Space. The development of a subdivision plat or site condominium plan may utilize vacant land near the shoreline as a recreational park to provide access to a water resource for the owners of the residential lots or building sites, subject to the following:
    - (1) The park lot shall contain a depth of at least 150 feet measured from the ordinary water elevation and a minimum of 300 lineal feet of water frontage. An additional 20 lineal feet of water frontage shall be required for each dwelling unit over 15 to which such privileges are extended or dedicated.
    - (2) The park land shall not consist of a swamp, marsh, wetland, floodplain, or bog. This shall be determined by the most recent United States geological survey maps, or through the State of Michigan Wetland Identification Program, or by an ecologist or wetland specialist.
    - (3) No manmade canal shall be created. Existing natural canals shall not be expanded or excavated.
    - (4) Passive recreational uses may be provided in the park, but the construction of docks or other means of launching boats shall be prohibited. A temporary floating swim raft may be installed if placed within 200 feet of the shoreline.
  
- xii. Non-Riparian Lots. Due to the unique nature of the riparian district, lots may be included within the zone that are not adjacent to a water resource. The following allowances and requirements shall apply:
  - a. Accessory buildings may be constructed on lots that have been identified as a “lot of record” and/or lots that do not meet current zoning ordinance frontage or area standards. The accessory building must meet the setback and lot coverage requirements of a principal building in the R-2 District. The required front yard of the lot shall be eliminated from any lot coverage calculation.
  - b. Accessory dwelling units may be constructed per the requirements of Section 36-4.1, without the need of a primary residential structure.

- c. Outdoor parking or storage of boats and boat trailers provided they are totally obscured from both the road and adjacent properties by a fully opaque fence or evergreen screen that meets the requirements of Section 36-5.3.
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## 2.0 DEFINITIONS

**Ordinary High-Water Mark** means an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominately aquatic to predominantly terrestrial.

**Ordinary Water Elevation** means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

**Riparian** means relating to, living, or located on the bank of a natural watercourse, such as a lake, river, or stream.

**Riparian Lot** means a property abutting, adjoining, or otherwise having frontage on a lake, river, or stream.