

CHAPTER 5
WO - WATERFRONT OVERLAY DISTRICT
(Amended 03/12/2012)

SECTION 5.10 DESCRIPTION AND PURPOSE

- A. The Waterfront Overlay District is a supplementary District which applies to any property within three hundred feet (300') of any lake, river, impoundment or tributary. This District applies in conjunction with all underlying Zoning Districts. Lands included in the Waterfront Overlay District are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the waterways and shorelines of Croton Township.
- B. It is the intent of the Waterfront Overlay District to provide regulations in addition to those contained in the underlying District pertaining to lands located along the waterfront and shoreline areas of the township. The purpose of these regulations is to recognize the unique physical, economic and social attributes of waterfront and shoreline properties and to ensure that the structure and uses in this District are compatible with and protect these unique attributes.

SECTION 5.20 PERMIT APPLICATIONS

- A. All projects within the Water Overlay District shall have the proper permits filed with the Zoning Administrator and must have a detailed Township-approved plan prior to construction.

SECTION 5.30 USES PERMITTED BY RIGHT (Amended 02/22/2018)

Land and/or buildings in the WO - Waterfront Overlay District may be used for the following purposes as Permitted Uses:

- A. Permitted Uses in the underlying District in which the land is located.
- B. Private boat docks, accessory to residential uses, subject to the following provisions:
1. Two (2) private boat docks per dwelling shall be permitted for a single family dwelling unit. Two (2) private boat docks shall be permitted for a two (2) family dwelling.
 2. In addition to the allowances of Section 5.20 (B) (1), an additional private boat dock shall be permitted for each full fifty feet (50') of lot width along the lake or other body of water.
 3. Boat docks, boat lifts and boat slips shall be used only by person(s) residing on the premises or their guests and shall not be leased, rented or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the

requirements of Section 5.30.

4. Docks and Boat Lifts

- a. No portion of any dock shall be located within ten feet (10') from the nearest side property line as projected into a waterway perpendicular from shore. Boats on a lift shall remain inside of the nearest property line.
- b. Every structure or item pursuant to Section 5.50 shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrian ways.

SECTION 5.40 SPECIAL LAND USES

Land and/or buildings in the Waterfront Overlay District may be used for the following purposes, following approval by the Planning Commission, as a Special Land Use as regulated by Chapter 15:

- A. Special Land Uses in the underlying District in which the land is located.
- B. Public or private boat launches.
- C. Marinas.

SECTION 5.50 DISTRICT REGULATIONS

- A. These regulations apply to all parcels or lots within three hundred feet (300') of any lake, river, impoundment or tributary.
- B. No building or structures, nor the enlargement of any building or structure, shall hereafter be erected or constructed unless the requirements of the underlying District are met and maintained in connection with such building, structure, or enlargement. The following minimum requirements shall also be applicable:
 1. No dwelling or garage shall be placed or located closer than thirty feet (30') from the break of the bank or closer than thirty feet (30') from the shoreline if no break of the bank exists.
 2. Accessory buildings may be permitted, subject to the requirements of Section 2.110, Section 5.50 and the underlying District.
 3. All waterfront properties inside the Waterfront Overlay District are deemed to have a front yard that is closest to the water. For non-waterfront properties and

vacant waterfront properties, the front yard may be determined by the Zoning Administrator.

4. Developments within the Waterfront Overlay District shall maintain, to a reasonable extent, open and unobstructed views of the waterway from adjacent properties, roadways, and pedestrian ways.
5. A balcony or window awning not connected to or resting on the ground may project no further than five feet (5') into the required front or rear yard and shall not project into a required side yard.
6. All other applicable District regulations shall be as provided in the underlying District, except that where more than one (1) limitation applies, the more stringent of the limitations shall apply. Also, where any provision of the Waterfront Overlay District conflicts with any requirement of the underlying District, the stricter requirement or limitation shall apply.

SECTION 5.60 WATERFRONT PROPERTIES

The following shall apply to all properties with frontage on a river, impoundment, lake, or other body of water:

- A. Decks, Wooden Walkways/Sidewalks, Viewing Platforms, and Similar Matters.

The following regulations shall apply to all decks, wooden walkways/sidewalks and viewing platforms on all properties with frontage on a river, lake, or other body of water.

1. Decks, wooden walkways, etc. near the water at a lake or river with less than 30% grade shall comply with the following:
 - a. May not be lakeside of either a lawful seawall or the body of water. However, a deck or walkway may “cantilever” or extend up to two feet (2') over the lake, river, or the shoreline of either. Subject to MDEQ approval.
 - b. Must be made of a material and in such a way to allow infiltration of rain or surface water; corrosive metal is not allowed.
 - c. No portion can be located higher than twelve inches (12") above the natural/normal grade within thirty feet (30') of the body of water and shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrian ways.
 - d. Must receive prior written approval from the Zoning Administrator to install or modify. Furthermore, the Zoning Administrator may attach reasonable conditions to the granting of any approval or permit.

- e. Decks and platforms cannot be any wider (as measured perpendicular from the seawall at the lake or river or from the body of water) than twelve feet (12').
 - f. Each such item shall be kept in good condition and reasonable repair at all times.
- 2. Any deck, viewing platform or similar item located at the top of a lake bank or river bank on a lot with a grade of thirty percent (30%) or more shall comply with the following:
 - a. Must receive prior written approval from the Zoning Administrator to install or modify. Furthermore, the Zoning Administrator may attach reasonable conditions to the granting of any approval or permit.
 - b. Cannot extend more than five feet (5') beyond the break of the bank.
 - c. The portion of the structure which extends beyond the break of the bank shall not exceed one hundred (100) square feet in surface area.
 - d. Must be kept in good condition and reasonable repair at all times. Furthermore, it must always be properly secured to the ground/ bank so as to minimize any risk of collapse, migration, movement, breaking away, etc.
 - e. Must be made of wood or wood composite (which can include earth tone recycled materials, but not metal).

B. Buildings and sheds

- 1. Only the following buildings and sheds are allowed between the river or lake and the dwelling on the lot or parcel involved:
 - a. A gazebo not exceeding twelve feet (12') in height (from natural grade) and not exceeding one hundred fifty-five (155) square feet of floor area.
 - b. A shed or similar accessory building which does not have a ground floor area exceeding one hundred (100) square feet and does not have a height exceeding eight feet (8').
 - c. All gazebos or sheds shall be set back at least twenty feet (20') from the body of water and at least five feet (5') from any side lot line on lots with a slope of less than thirty percent (30%).

- d. All gazebos or sheds shall be set back at least ten feet (10') from the break of the bank and at least five feet (5') from any side lot line on lots with a slope of greater than thirty percent (30%).
 - e. In areas of excessive slope (30% or greater), an allowed gazebo or shed may be placed on any "landing", sitting area, or similar item installed between the body of water (or lawful seawall) and the break in bank.
 - f. Structures shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrian paths.
2. On a vacant lakefront or riverfront lot, not more than one (1) gazebo and one (1) shed shall be allowed between the lake or river and the building site subject to the requirements specified in Section 5.50 (B)(1), above.
 3. A portable or movable gazebo or shed shall be considered a permanent structure and shall meet all other requirements contained in this Section 5.50 and elsewhere in this Ordinance.
 4. Boat houses and similar structures cannot extend beyond the body of water and cannot exceed a height above the break of the bank closest to the water.
- C. Stairways (and appurtenances), Decks, Viewing Platforms, Trams (power lifts/inclined elevators), and Similar Items Located on a Hill or a Bank (between the Break of the Bank and the Body of Water)
1. The structure's design shall blend with hillside forms and vegetation.
 2. All structures shall be located in the center portion of the available frontage to the extent reasonably possible.
 3. Trams may go to the water's edge, but the owner of the property shall be fully responsible for promptly repairing any damage to a tram due to ice, high water, or other calamity and shall keep all portions of the tram in reasonable repair and condition at all times.
 4. Vegetation shall be maintained whenever possible. If removal of vegetation is required, re-establishment of a comparable plant material will be required to pre-disturbed densities as soon as possible.
 5. Existing mature plants shall be incorporated into the project design where feasible.
 6. Landscaping on slopes should be blended in with the natural landscape to soften the effects of the built environment including buildings, retaining walls, pavement and grading. Any alterations of soils shall maintain soil erosion measures.

7. Natural drainage patterns shall be protected and affected as little as possible. Groundwater flow patterns shall be maintained.
8. Erosion Prevention
 - a. The structure's design shall generally conform to the natural grade. A County Soil and Erosion Permit shall be obtained and filed with the Township prior to any other permits being issued.
 - b. Placement of stairwells shall not be located on a property line or dedicated easement, unless proper review and approval is received from the Zoning Administrator.
 - c. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs, and trees to reduce the potential for erosion.
 - d. Stairwells that require switchback construction due to existing site topography shall be designed, maintained, and installed in such a way as to ensure proper soil stabilization.
9. A site plan shall be provided to the Township showing the location, dimensions, and size of the proposed stairs, tram, landing, or deck. Areas of disturbed earth must be detailed as to how re-introduction of vegetation and soil erosion will be installed.
10. In areas of excessive slope (30% or greater), retaining walls shall be designed, constructed, and maintained in such a way so as to overcome foundation and other structural problems created by steep slope conditions, in order to preserve the natural flow of water and prevent soil erosion.
11. No stairs or stairways, tram, deck, or viewing platform shall be commenced or installed between the river or lake and a dwelling (or building site) prior to the issuance of a written permit by the Township Zoning Administrator. The Township Zoning Administrator may attach reasonable conditions to the granting of any permit. In addition, prior to the installation of a tram, there must be a Township permit, along with a County permit and a permit through the State of Michigan Licensing and Registration Agency (LARA).
12. Any "landing," sitting area, or similar item installed between the break of the bank and the body of water (or lawful seawall thereof) as part of a stairs or stairway (or in conjunction therewith) shall be deemed a "deck" if any portion of the item has a surface exceeding twenty-four (24) square feet. For any such landing, sitting area, deck, or similar item exceeding those dimensions, the following requirements shall also be met:

- a. Such structures may be constructed no closer to each other than at sixteen foot (16') intervals on stairways between the body of water and the break of the bank at the top of the bank.
 - b. No such structure or item shall have a total surface area exceeding ninety-six (96) square feet.
13. All stairs, stairways, landings, viewing platforms and decks must be made of a material and in such a way to allow infiltration of rain or surface water. Corrosive metal is not allowed. All items shall be kept in good repair and reasonable condition at all times. Furthermore, any such structure shall be properly attached and anchored to the bank/ground to be safe at all times.
14. Where the portion of a bank located within twenty feet (20') of the body of water of a lake or river exceeds a thirty percent (30%) grade, no deck, platform, or similar item shall be located within that twenty foot (20') area unless a lawful seawall or retaining wall is present at the water, and even then, the deck, platform, or other item can only be installed and used over the backfilled area behind the wall. Such deck, platform, or similar item must also meet all other requirements of this Section 5.50 (C).

D. Sea Walls

1. The natural grade of the adjacent land shall be maintained.
2. Any backfill material must be of a natural pervious material such as gravel, sand, or soil, or similar material that will not restrict water flow.
3. All filling and grading work must be accomplished so as not to alter the natural drainage of the adjoining land.
4. Any and all permits required from the Michigan Department of Environmental Quality, Newaygo County Drain Commission, and other governmental units shall be obtained prior to any work beginning and a copy shall also be filed with the Township before construction or work commences.

E. Lot Coverage and Vegetative Cover in Waterfront Overlay Zone

All waterfront lots shall maintain a vegetative cover, to the extent practicable. Vegetative areas shall be maintained along lot lines, water bodies and watercourses, natural drainage courses, wetlands, and steep slopes.

F. Vegetation/Buffer Strips

1. Vegetation/Buffer Strips shall be maintained, to the extent practicable, bordering the bank of any water body. Areas not in use as decks, stairways, viewing platforms, walkways, and etcetera are encouraged to be maintained in an

unmowed, unfertilized state to encourage and maintain soil erosion control measures and protect water quality. To maintain the beauty of the waterfront, plantings are encouraged wherever possible.

2. The Zoning Administrator may allow limited clearing of the vegetation/buffer strips when required for the construction of a permitted building or structure outside the vegetative strip.
3. Individual trees within the vegetation/buffer strip areas which are diseased, in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse or water body may be removed upon verification of existing conditions from the Zoning Administrator.
4. The vegetation/buffer strip areas shall not be used for any motorized vehicular traffic or parking, or for storage of junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance. The temporary storage of watercraft and associated equipment is permitted.
5. Restoration: For any restoration of a vegetative buffer strip where the vegetation had been previously removed, completely or partially, a replacement vegetation plan shall be approved by the Township Zoning Administrator prior to any restoration occurring. Vegetation shall be deep rooted perennials, tall grasses and trees. All vegetation shall be permanently maintained.

G. Clearing of Land

The stripping and removal of topsoil or existing vegetation from any site, parcel or lot within the Township must first receive appropriate development approval such as, but not limited to, Township Permits, a County Soil and Erosion Permit, Site Plan Review, Special Land Use, Planned Unit Development, Land Division, or Subdivision Permits.

H. Setbacks

Where a specific setback for a structure or item is specified in this Section 5.50; that setback shall govern regardless of other setbacks specified elsewhere in this Ordinance.

SECTION 5.70 RIPARIAN ACCESS

The following restrictions are intended to limit the number of users of waterway, lake or river frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the township.

- A. In all zoning districts there shall be at least fifty feet (50') of lake, river, stream, or all tributaries frontage as measured along the body of water for each single family home,

dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.

- B. Any multiple-unit residential development in any zoning district that shares a common lake, river, stream, or tributaries front area or frontage may not permit lake or stream access to more than one (1) single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each fifty feet (50') of lake, river, stream or tributaries frontage in such common lake, river, stream or tributaries front area, as measured along the body of water.
- C. Any multi-unit residential development shall have not more than one (1) dock for each fifty feet (50') of lake or river frontage as measured along the body of water in any zoning district in the township. All such docks and docking or mooring shall also comply with all other applicable township ordinances.
- D. The above restrictions shall apply to all lot and parcels on or abutting any lake, river, stream or tributaries in all zoning districts, regardless of whether access to the lake or river waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- E. In all zoning districts, no lake or river access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional, or nonresidential or nonagricultural uses or purposes unless such is authorized pursuant to a special use approval or as a planned unit development (PUD), and complies with the requirements of the District where the property is located.
- F. The lake and river access and use regulation contained in this Section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
- G. Refer to other applicable Township ordinances for other keyhole development regulations.
- H. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the lake or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use or as a planned unit development (PUD).
- I. If a property is located within a zoning district where the minimum lot width requirements is greater than fifty feet (50'), the minimum water frontage requirements of subsections A, B and C hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

- J. No channel, canal, or similar waterway or device shall be dug, constructed, dredged, enlarged, or created out of or that connects to any lake or river in the Township. Nor shall the size or surface area of any lake or river be increased by digging, dredging, or excavation upland from the body of water; provided, however, that this subsection shall not apply to the following:
1. Any lawful dredging occurring on an existing lake or river bottomland that is lakeward or riverward of the body of water.
 2. The lawful creation or enlargement of a pond which does not abut or connect into an existing body of water. However, no pond shall be created or enlarged if the resulting pond will be over two acres in size unless a Special Land Use approval occurs. Agricultural uses will be governed by the Right to Farm Act.
 3. The lawful creation or enlargement of an artificial lake which does not abut or connect into an existing lake or river. However, an artificial lake shall not be created or enlarged if the resulting lake would be over two (2) acres in size unless a Special Land Use Approval occurs. Agricultural uses will be governed by the Right to Farm Act.
 4. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements.
- K. No parcel shall have any wetland altered, drained or filled so as to accommodate access or increase its water frontage.