

Article XI
WF – Waterfront Overlay District

Boat houses prohibited

6.1 Purpose

This Article is enacted to protect water quality within Centerville Township, prevent soil erosion and sedimentation into waters, and to promote the scenic character and protect property values of waterfront parcels. This overlay district encompasses all parcels any portion of which exists within one-hundred feet of the shoreline of Lake Leelanau and the banks of all natural and built watercourses such as channels, drains, rivers, creeks and streams.

6.2 Definitions

100-YEAR FLOOD PLAIN – flood plain along waters within Centerville Township that is inundated during a 100-year flood event as mapped by the Federal Emergency Management Agency.

100-YEAR FLOODWAY – floodway along waterways within Centerville Township that are convey flood flow during a 100-year flood event as mapped by the Federal Emergency Management Agency.

BANK, STREAM - the line between upland and bottomland that persists through successive changes in water levels within rivers, streams, creeks, drains and similar waterways below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

EARTH CHANGE – an artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Prior to engaging in any earth change activity within five-hundred (500) feet of a lake, river or stream, a valid soil erosion and sedimentation control permit is necessary from the Leelanau County Soil Erosion and Sedimentation Control Officer.

FILTERED VIEW OF WATERS – the maintenance or establishment of woody vegetation of sufficient density to screen development from waters, to provide for stream bank and lakeshore stabilization, nutrient and erosion control, to serve as an aid to infiltration of surface water runoff, and to provide cover to shade the water in a manner while providing an adequate view to the water.

IMPERVIOUS SURFACE – developed portions of a parcel that preclude or inhibit the infiltration of precipitation or stormwater runoff. Impervious surfaces are typically covered by roofs, asphalt or concrete and include but are not limited to building envelopes/footprints, parking areas, driveways, walkways, pathways, patios, and similar structures. Impervious surfaces do not include such areas covered with pervious surfaces such as pervious pavements, pavers, block, etc.

LAKE – as used in this ordinance refers to the definition of inland lake found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended, MCL 324.30101).

***LOT** – a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet all minimum dimensional and use requirements and to provide such setback area and other open space as required by this ordinance. Such lot shall have frontage on a public road or street or an approved private street or drive, and may consist of: (a) a single lot or record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds; provided that in no case of lot division or combination shall the area of any lot or parcel created, including residuals be less than the minimum size required by this ordinance.

ORDINARY HIGH WATER MARK – The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and vegetation; or the ordinary high water mark for a water body as determined by the Leelanau County Circuit Court as defined by the Inland Lake Level Act, Part 307 of Michigan’s Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

RIVER – as used in this ordinance refers to the definition of rivers, streams, creeks, drains, channels, etc. found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended.

RIVERFRONT SETBACK LINE – the minimum required principal structure setback from the ordinary high water mark.

***SETBACK** – the minimum horizontal distance between a building or structure setback line and a lot line or the ordinary high water mark, as determined by the lot or parcel.

SOIL EROSION AND SEDIMENTATION CONTROL ACT AGENCY – the Soil Erosion and Sedimentation Control Officer, Leelanau County enforcing the provisions of Part 91: Soil Erosion and Sedimentation Control Act; Michigan’s Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

STEEP SLOPES – slopes on land of eighteen (18%) percent or greater.

STRUCTURE, PRINCIPAL – Structures primarily intended for or directly related to human occupation, including dwellings, attached garages, attached decks and other attached structures, parking areas, and water and septic structures, if any. Principal structures do not include detached garages, pole barns and other detached structures such as detached decks, patios, gazebos, walkways, boardwalks, boat hoists, docks, etc. or other accessory structures not primarily intended for dwelling.

6.3 Waterfront Areas Regulated

- a. The requirements of this Article are supplemental to those imposed on waterfront lands by any underlying zoning provisions of this ordinance or other ordinances of Centerville Township. These regulations supersede all conflicting regulations of the underlying zoning district(s) to the extent of such conflict, and no more.
- b. Every lot and parcel of land physically abutting ~~along~~ an inland lake or stream, lying between the ordinary high water mark and a line one-hundred (100) feet horizontal from and perpendicular to the ordinary high water mark or an inland lake or stream bank as shown on the official Centerville Township Zoning Map, is subject to this overlay district. This line shall be known as the waterfront overlay line. In addition, the provisions of Section 6.4b below concerning natural vegetation strips, apply to all waterfronts within Centerville Township, even if not depicted on the Centerville Township Zoning Map.
- c. 100-year Flood Plain. No principal structure shall be constructed within the 100-year floodway. Any permitted structures within the 100-year flood plain shall be constructed in a manner that allows for the free flow through of water, complies with all state and/or federal regulations, and compensates for flood plain losses, if any.
- d. Lots of record after the effective date of this Article shall conform to waterfront setbacks established in this Section.

6.4 Development Standards

a. Waterfront/Front Yard Setback

1. No principal structure, accessory building or parking area, shall be erected closer than seventy-five (75) feet from the ordinary high water mark of a water body or stream bank, except on nonconforming lots of record.
2. **Waterfront setbacks on lots of record on or before the effective date of the Article within the Centerville Township Zoning Ordinance may be reduced by averaging the setback from the ordinary high water mark to principal structures on the two closest developed lots on either side of the subject parcel property lines. The minimum front yard setback shall be no less than fifty (50) feet.**

3. Compost piles, manures/fertilizers, livestock, small animal pens and other nutrient sources; solid waste, garbage, trash, discarded appliances, motor vehicles (not including motorized boats), and other unsightly or potentially polluting materials shall not be placed within the waterfront setback.
4. The waterfront portion of shoreline parcels within Centerville Township shall be considered the front yard pursuant to the Centerville Township Zoning Ordinance.
5. Roadways, except as may be required to provide access to a boat ramp, are prohibited within the waterfront setback area.

b. Natural Vegetative Strip

1. To minimize erosion, stabilize waterfronts, protect water quality, keep nutrients from entering waters, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen artificial structures, protect property values, and also to preserve the scenic values of waterfront areas, a natural vegetation strip shall be maintained on each parcel or lot between the ordinary high water mark and a buffer line, each point of which is fifty (50) feet horizontal from and perpendicular to the ordinary high water mark of a waterbody or stream banks.
2. Existing vegetation shading water surfaces shall be preserved to the maximum extent possible.
3. Existing natural ground cover and native vegetation shall be preserved to the fullest extent feasible, and where removed shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion, preserving property values, and protecting community scenic values. Natural vegetation buffer shall be fenced with silt fence and construction barrier fencing prior to grading or other on-site construction activities. This protective fencing shall be maintained until the completion of construction.
4. All exterior lights shall be shielded, downward directed, and below tree level as measured from post-construction grade. Dock and accessory building/structure lighting of any type is prohibited.
5. Within the natural vegetation strip, thirty (30%) percent of existing trees and shrubs may be selectively pruned or removed to enhance a filtered or corridor view of the water from the principal structure and for reasonable private riparian access to the water. A corridor view shall be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structure features s intended to enjoy and utilize a water view. Said pruning and removal activities shall insure that a live root system stays intact to provide for waterfront bank stabilization and erosion control. Tree-topping and clear cutting within the natural vegetation buffer is prohibited.
6. A maximum of one (1) shoreline access pathway, including pathway portions constructed as stairways and boardwalks, shall be allowed per parcel or lot within the waterfront setback and through the natural vegetation strip to the water's edge. The improved surface of such pathways shall consist of porous pavement, wood chips,

mulch or other natural materials. Said pathways are to be no more than a total of four (4) feet in width. Pathway(s) shall meander down to the ordinary high water mark in a manner which protects the soil and vegetation from erosion, while also screening the principal structure, parking areas and vehicles from direct view from the water. Any waterfront pathway (stairway, boardwalk, etc.) shall comply with Michigan's Part 303: Wetland Protection Act, Part 301: Inland Lakes and Streams Act of NREPA, P.A. 451 of 1994, as amended, and other relevant federal, state or local regulations.

7. Dead, diseased, unsafe or fallen trees and non-native exotic or noxious plants and shrubs, including poison ivy, poison sumac, purple loosestrife, etc. may be removed at the homeowner's discretion provided that no stumps are removed. Landowners are encouraged to consult with the Centerville Township Zoning Administrator and the Leelanau County Forester before removing dead, diseased, unsafe or fallen trees from within the natural vegetation buffer. Planting of perennial native species (ground cover, shrubs and trees) in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist (i.e. 18% slope or greater). **Refer to Appendix __ for a list of acceptable native plants.**

c. Building Height

All principal structures and accessory buildings should, as far as practicable, be designed so as not to obstruct existing scenic viewsheds. Single-family dwellings within the waterfront overlay district shall be limited to two (2) stories or **thirty-two (32)** 30 feet in height, whichever is less.

Accessory structures and other buildings shall not exceed one (1) story or twenty (20) feet in height, whichever is less. A building's height is defined in Article II Definitions, p. 13 of the Centerville Township Zoning Ordinance, as amended.

d. Waterfront Accessory Structures

Docks, boat ramps, pump houses, walkways/pathways, and/or elevated walkways accessory to permitted uses which provide property owners with reasonable access to the water are to be permitted by the Michigan Department of Environment Great Lakes and Energy (EGLE) pursuant to Parts 301 and/or 303 of Michigan's NREPA, P.A. 451 of 1994, as amended. Dock and accessory building/structures must comply with underlying zoning side setbacks.

Boathouses are prohibited. Dock and accessory building/structure lighting is prohibited. Lighting of any other structures within the Waterfront Overlay though, if provided, shall

be of low intensity, shielded, below tree line and downward-directed so as to prevent glare and appearance from a public way or waterbody, the illumination of the night sky, or adjoining properties.

e. Waterfront Lot Width

Waterfront lots must provide a minimum straight-line width of one (100) hundred feet between side lot lines, as measured at the side lot lines' points of intersection with the Ordinary High Water mark (OHWM) of a water body or the bank of a watercourse.

f. Impervious Surface

The maximum percentage of lot coverage a lot within the waterfront overlay district with impervious surfaces such as roofs, structures, asphalt, concrete, etc. shall be twenty-five (25) percent.

g. Innovative Stormwater

Stormwater flow from lots within the waterfront overlay district shall be directed to the non-lakeward side of any principle structure, be treated/disposed of on-site, not leave the subject parcel above pre-development rates, and shall utilize innovative stormwater treatment methods such as rain gardens, groundwater infiltration structures and/or constructed wetlands.

h. Additional Standards

1. Each legally created lakefront lot shall be entitled to one (1) seasonal dock, **one (1) mooring**, and one (1) boat hoist/shore station **or similar structure**. A minimum of two (200) hundred feet of frontage is required for a second dock. Each additional dock or boat hoist/shore station shall require an additional one (100) hundred feet of water frontage.
2. **Docks may only extend lakeward to achieve a three (3) foot maximum water depth.**
3. Not more than two (2) motor-powered watercraft shall be docked at any single dock at any time.
4. One swimming/diving raft, water trampoline, water pad, floating mat or similar apparatus is allowed per legally created waterfront lot. A minimum of two (200) hundred feet of water frontage is required for a second raft or similar apparatus. Each additional raft or similar apparatus shall require an additional one (100) hundred feet of water frontage.
5. All waterfront parcels are required to utilize underground utilities.

6. Area, Width and Setback Requirements

Lot area, width and setback requirements are listed in the Schedule of Zoning Regulations, Article IV, Section 4.4. In instances where the development standards outlined above require greater width or setbacks at the discretion of the Planning Commission, then such standards shall apply.