STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE

ORDINANCE NO. C-287-10

AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO ENACT ZONING REGULATIONS AND REQUIREMENTS APPLICABLE TO DOCKS, DOCK USE AND MOORING OF WATERCRAFT

THE CITY OF WALLED LAKE ORDAINS:

Section 1. Short Title

This Ordinance shall be known as and may be referred to as the "2010 Accessory Structure, Dock and Mooring Zoning Ordinance Amendment."

Section 2. Purpose

The purpose of this Ordinance is to amend the City of Walled Lake Zoning Ordinance to enact regulations and requirements applicable to watercraft docks, docking and watercraft launching and activities related to dock use and mooring of watercraft as a measure to protect the public health, safety and welfare of persons and property within the City.

Section 3. Amendment to Definitions

Article 2.00 "DEFINITIONS" of the City of Walled Lake Zoning Ordinance is hereby amended by adding the following terms and definitions to Section 2.02 "DEFINITIONS" as follows:

"Anchor" or "Anchoring" means to temporarily secure occupied watercraft or vessels by rope, chain or other collapsible attachment to any weighted object less than eighteen inches in height temporarily placed on the surface of bottomland to facilitate active use of occupied watercraft or vessels.

"*Bottomland*" means the land area of an inland lake or stream that lies below the ordinary high water mark and that may or may not be covered by water.

"Dock" includes any permanent, temporary or seasonal structure located wholly or partially in, or extending over, the water, with a horizontal surface or platform at, above or below the surface of the water. Docks located on a single family residential waterfront lot only, shall constitute an accessory use and structure if used in a manner customarily incidental to a permitted principal use of a single family residential waterfront lot.

"Moor or Mooring" means attaching or securing an unoccupied watercraft or vessel to any dock or mooring structure, or other structure or equipment that is either attached to or placed upon bottomland or within waters of the city, but shall not include anchoring.

"Mooring Structure" means any freestanding post, pole, piling, board, limb or other structure driven, placed, attached, dug or buried into or upon bottomland to secure or moor any watercraft or vessel, but shall not include a dock or anchor. Mooring Structures located on a single family residential waterfront lot only, shall constitute an accessory use and structure if used in a manner customarily incidental to a permitted principal use of a single family residential waterfront lot.

"Ordinary High Water Mark" means ordinary high water mark as defined in the Inland Lakes and Streams Act, MCL 324.80101, *et. seq.* as amended.

"Riparian Zone" means the bottomland immediately adjacent to a waterfront lot defined by the extension of riparian side lot lines to the center of the adjoining waters of the city and shall be included in the zoning lot for a waterfront lot.

"Seasonal mooring" or "Seasonally moored" means mooring watercraft upon waters of the city or upon any riparian zone or lot within the city for three (3) or more consecutive days.

"Waters of the City" means any navigable lake, stream, river or other waters of the state located within the City of Walled Lake.

Section 4. Amendment to Single Family Residential Districts

Article 4.00 "R1-A AND R1-B SINGLE FAMILY RESIDENTIAL DISTRICTS" of the City of Walled Lake Zoning Ordinance is hereby amended by adding sub-paragraph (g) to Section 4.02 "PERMITTED PRINCIPAL USES" as follows:

(g) Shared Waterfront Lot Dock Use and Mooring. Shared waterfront lot dock use and mooring by no more than two (2) families, subject to meeting the requirements of Section 21.49.

Section 5. Amendment to Single Family Residential Uses After Special Approval

Article 4.00 "R1-A AND R1-B SINGLE FAMILY RESIDENTIAL DISTRICTS" of the City of Walled Lake Zoning Ordinance, Section 4.03 "PERMITTED USES AFTER SPECIAL APPROVAL", sub-paragraph (c) only is hereby amended in its entirety to read as follows:

(c) Waterfront parks, beaches and similar waterfront recreation uses, for private non-commercial use only. (See specific minimum requirements in Section 21.29.)

Section 6. Amendment to Accessory Buildings, Structures and Uses

Article 21.00 "GENERAL PROVISIONS" of the City of Walled Lake Zoning Ordinance, Section 21.10 "ACCESSORY BUILDINGS, STRUCTURES AND USES" is hereby amended at sub- paragraph A. 2. "Site Plan Approval" and sub-paragraph C. "Detached Accessory Buildings and Structures", only, which shall now respectively read as follows in their respective entirety:

2. **Site Plan Approval**

Accessory structures, buildings and uses shall require site plan review and approval when and as required by any applicable code or ordinance. If submission of a site plan for review and approval is required, then the site plan shall indicate the location and description of proposed accessory buildings, structures or uses.

C. **Detached Accessory Buildings and Structures**

1. **Location**

Detached accessory buildings and structures shall not be located in a front yard or a required side yard, except that on a lot that either abuts the lake or is across the street from the lake, one (1) accessory building or structure may be permitted in the front (i.e., on the side facing the road), provided further that any such accessory building or structure shall comply with the minimum setback requirements for the district in which it is located. Accessory buildings and structures shall not be permitted in a required waterfront yard except, docks, mooring structures, boat launches, lifts and hoists as permitted by and subject to the regulations, requirements and conditions pursuant to applicable codes and ordinances including, but not limited to, Chapter 50, Article IX "Marine and Water Safety" of the City Code of ordinances, and Section 21.49 of this zoning ordinance, as amended. (See Section 21.45 for permitted projections into required yards).

2. **Setbacks**

Detached accessory buildings and structures shall comply with the following setback requirements:

a. Front Yard Setback

Unless otherwise specified, when an accessory building or structure is permitted in the front yard it shall comply with the front yard setback requirement for the district in which it is located.

b. Waterfront Yard Setback

Accessory buildings and structures shall comply with the thirty (30)-foot waterfront setback requirement. except, docks, mooring structures, boat launches, lifts and hoists as permitted by and subject to the regulations, requirements and conditions pursuant to applicable codes and ordinances including, but not limited to, Chapter 50, Article IX "Marine and Water Safety" of the City Code of ordinances, and Section 21.49 of this zoning ordinance, as amended.

c. Rear Yard Setback

(1) **Residential Detached Accessory Buildings and Structures**

Detached accessory buildings and structures located on property that is zoned and used for residential purposes shall have a minimum rear yard setback of seven (7) feet.

(2) **Non-Residential Detached Accessory Buildings and Structures**
Detached accessory buildings and structures located on property that is zoned or used for non-residential purposes shall comply with the minimum rear yard setback requirements in Section 17.01 for the district in which it is located.

d. Side Yard Setback
Accessory buildings and structures shall comply with the side yard setback requirements for the district in which it is located.

Private, non-commercial residential docks in single family zoning districts. Docks shall be located on the property so as to observe the following minimum side yard setback from each riparian side lot line:

Lot Width	R1-A (each side)	R1-B (each side)
20 ft. or less	1.5 ft.	1.5 ft.
21 – 64 ft.	3.5 ft.	3.5 ft.
65 – 74 ft.	5 ft.	5 ft.
75 ft. or more	10 ft.	10 ft.

e. Side Yard Setback on Corner Lots
When an accessory building, structure or use is located on a corner lot where the exterior side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the accessory building; structure or use shall not project beyond the front setback required on the lot in the rear.

When an accessory building, structure or use is located on a corner lot where the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, the accessory building, structure, or use shall comply with the required side setback for the district in which it is located, provided that in no case shall an accessory building, structure, or use be located nearer than twenty (20) feet to a street right-of-way.

f. Distance from other Buildings

Detached accessory buildings and structures shall be located at least ten (10) feet from any other building, except that a fifteen (15)-foot setback shall be required for dumpsters and dumpster enclosures (see Section 21.39).

3. **Size**

Unless otherwise specifically permitted elsewhere in this Ordinance, the maximum combined ground area coverage of all accessory buildings and-structures related to a principal residential use shall not exceed thirty percent (30%) of the rear yard, provided that the total ground area coverage of all accessory buildings shall not exceed 1,000 square feet or the total ground area coverage of the principal dwelling, whichever is greater.

In non-residential districts, the maximum combined ground area coverage of all accessory buildings, structures, and uses shall not exceed thirty percent (30%) of the total floor area of the principal building.

4. **Height**

Detached accessory buildings and structures in single and two-family districts shall not exceed eighteen (18). feet in height. Detached accessory buildings and structures in other than single and two-family districts shall comply with the height requirement for the district in which they are located.

5. **Number**

(a) Single and Two-Family Districts. Except where otherwise specified, not more than two (2) accessory buildings, structures, or uses shall be located on any lot exclusive of permitted docks, mooring structures, boat launches, lifts and hoists located on a waterfront lot, except that up to four (4) may be permitted on lots that exceed one (1) acre in size. No more than one (1) dock per fifty (50) lineal feet of shoreline shall be permitted on a waterfront lot.

(b) Districts other than Single and Two-Family Districts. Except where otherwise specified, not more than two (2) accessory buildings; structures, or uses shall be permitted in districts other than single-family and two-family districts.

6. **Mobile Home Parks**

Detached accessory buildings in mobile home parks shall comply with the setback and spacing requirements in the Mobile Home Commission Rules.

Section 7. Amendment to Site Plan Review, Exempt Improvements

Article 21.00 "GENERAL PROVISIONS" of the City of Walled Lake Zoning Ordinance, Section 21.28 "SITE PLAN REVIEW", sub-section E. 3. "Exempt Improvements", only, is hereby amended in its entirety to read as follows:

3. **Exempt Improvements.**

Site plan review and a building permit shall generally not be required for painting, re-shingling, window replacement that does not involve structural or dimensional changes, replacement of existing diseased or dead landscaping, pot hole repair, parking lot restriping, installation of a dumpster screen in accordance with this ordinance, temporary seasonal accessory docks, mooring structures, boat launches, ramps and hoists located in single family residential zoning districts only for the sole use of one (1) single family,_ or other ordinary maintenance activities.

Section 8. Amendment to Site Plan Review, Minor Modifications

Article 21.00 "GENERAL PROVISIONS" of the City of Walled Lake Zoning Ordinance, Section 21.28 "SITE PLAN REVIEW", sub-section E.7. "Minor Modifications", only, is hereby amended by adding an additional sub-paragraph p. to read as follows:

p. Shared Waterfront lot dock use and mooring as provided in Section 21.49

Section 9. Amendment to Procedures and Standards for Special Use Approval

Article 21.00 "GENERAL PROVISIONS" of the City of Walled Lake Zoning Ordinance, Section 21.29 "PROCEDURES AND STANDARDS FOR PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS", sub-section I. 18. "Boat Launches, docks, waterfront parks, beaches and similar waterfront recreation uses", only, is hereby amended in its entirety to read as follows:

18. Boat launches, docks, waterfront parks, beaches and similar waterfront recreation uses:

a. Purpose . The purpose of these regulations is to regulate the land-based improvements and activities related to various waterfront uses, so as to alleviate the impact on nearby properties, adjacent roads, and the community in general.

b. Site Plan Review and Building Permit. Site plan review and approval shall be required prior to construction of any boat launch, dock, beach, waterfront park, structure or improvement related thereto, except: 1) where improvements are for the sole use of one (1) single residence, or; 2) shared waterfront lot dock use and/or mooring pursuant to section 21.49. A building permit shall be required for any construction or other activity regulated by the building Code. Permits required by the Michigan Department of Natural Resources and

Environment (MDNERE) or other state agencies shall be a condition of approval granted under this section.

c. Parking. Off-street parking shall be required for only the structures and facilities requiring site plan review and approval pursuant to sub-paragraph 18. (b) of this sub section in accordance with the following chart:

	Residential	Commercial
Boat Launch	6 spaces*	24 spaces*
Dock	1 per dock space	1 per dock space
Beach or Park	1 per 1,350 sq. ft. of site	1 per 1,350 sq. ft. of site

*Combined 40-foot vehicle-trailer spaces shall be provided for boat launches. Such spaces shall be of a drive-through design, using a 45-degree layout. Off-street parking shall comply with the requirements in Article 19.00. Off-street parking spaces shall not be located closer than twenty (20) feet to the road right-of-way line or the edge of the water.

d. Maneuvering Lanes. Maneuvering lanes for boat launches and parking areas shall be located completely on private property and not within the road right-of-way. Maneuvering lanes serving a boat launch shall be paved and shall comply with the following dimensional requirements:

	Maneuvering Lane Width
One-Way	15 Feet
Two-Way	22 Feet

A maneuvering lane shall extend on the land a minimum of sixty (60) feet in front of the boat launch to provide sufficient space for backing in and exiting from the launch.

e. Pedestrian Access. Sidewalks shall be required in accordance with Section 21.36. Pedestrian movement shall be insulated from vehicular traffic.

f. Outside Storage. Outside storage of boats, trailers, equipment, supplies, and debris shall be prohibited.

g. Lighting. All lighting shall be directed onto the site and shielded to prevent glare onto surrounding properties.

h. Screening. Whenever off-street parking areas are adjacent to land used or zoned for single family residential purposes, a wall shall be provided along the sides of the parking area adjacent to such

i. Number of Docks. No more than one (1) dock per fifty (50) lineal feet of shoreline shall be permitted on a waterfront lot.

j. Minimum Side Yard Set Back. In Two Family Residential Districts, docks shall be located on the property so as to observe a minimum five (5) foot side yard setback from each riparian side lot line. In Multiple Family Residential Districts, docks shall be located on the property so as to observe a minimum twenty (20) foot side yard setback from each riparian side lot line.

Section 10. Shared Waterfront Dock Use and Mooring

Article 21.00 "GENERAL PROVISIONS" of the City of Walled Lake Zoning Ordinance is hereby amended by adding a new Section 21.49 "SHARED WATERFRONT DOCK USE AND MOORING" which shall read as follows:

Section 21.49-- SHARED WATERFRONT DOCK USE AND MOORING

A. Intent and Purpose.

The intent of this Section is to reduce the conflicts that may occur between residential single family use and private non-commercial shared waterfront use in single family zoning districts only by setting forth requirements and provisions for administrative approval of limited private, non-commercial shared waterfront dock use and mooring upon single family residential waterfront lots improved with occupied dwellings by no more than two (2) families on a temporary seasonal basis by enacting regulations and requirements applicable to watercraft docks, docking and watercraft launching and activities related to dock use and mooring of watercraft as a measure to protect the public health, safety and welfare of persons and property within the City. The provisions of this Section shall in no way convey, grant, expand, reduce, take, abrogate, impair, alter or modify property interests, easements or restrictive covenants existing upon the effective date of this ordinance. Vested, permitted property interests, easements or restrictive covenants existing upon the effective date of this ordinance shall be controlling in the event of a conflict with any provision of this section.

B. Scope and General Limitations.

1. Shared Waterfront lot dock use and mooring pursuant to this section shall include and be limited to gratuitous, non-commercial docking/mooring of watercraft upon a single family residential waterfront lot improved with a principal single family dwelling by no more than two (2) families on a temporary seasonal basis as authorized and permitted by this section and shall further include: 1) seasonal/non-daily watercraft launching and removal, and; 2) access to docked/moored watercraft.

2. This Section shall not authorize, permit or apply to waterfront parks, keyhole lake access lots, or other similar uses, or proposed uses, as a means of providing permanent lake access and related riparian uses for multiple families and/or lot owners other than the families and/or lot owners who lawfully dwell upon and/or use a waterfront lot in compliance with all applicable codes and ordinances including, but not limited to, applicable zoning ordinance use restrictions. Except established, lawful non-conforming uses existing upon the effective date of this ordinance, waterfront parks, keyhole lake access uses and lots used, or proposed for use, as a means of providing permanent lake access and related riparian uses to multiple families and/or lot owners other than the families and/or lot owners who lawfully dwell upon and/or use a waterfront lot in compliance with all applicable codes and ordinances including, but not limited to, applicable zoning ordinance use restrictions, shall require review and approval by the planning commission as required by the provisions of the City of Walled lake Zoning Ordinance and/or a variance or rezoning as appropriate.

3. Payment, acceptance or providing any valuable consideration in exchange for any docking, mooring or other lake access privileges pursuant to this section is prohibited.

4. Except storage of trailers, vehicles, equipment and items owned by and lawfully stored by the lot owner and/or dwelling occupant, outdoor storage of trailers, equipment, vehicles or other items upon the land of a waterfront lot of another is prohibited.

5. This section shall in no way prohibit, limit, restrict or apply to temporary anchoring of occupied watercraft or vessels within any riparian zone or restrict lawful use of surface waters of the city.

6. Shared Waterfront lot dock use and mooring pursuant to this section shall comply with all requirements of applicable codes and ordinances including, but not limited to, Chapter 50, Article IX "Marine and Water Safety" of the City Code of ordinances.

C. <u>Administrative Review and Approval.</u>

1. Shared Waterfront lot dock use and mooring pursuant to this section, including sharing of any related accessory structures, shall constitute an accessory use requiring administrative review and approval by the Development Coordinator, or his/her designee, pursuant to the requirements and procedures set forth in Section 21.28. E. of this Zoning Ordinance, as amended.
2. Applications under the administrative approval process shall be made by the waterfront lot owner and/or dwelling occupant upon forms furnished by the City and shall include payment of required fees and submission of all information and submittals necessary to permit the Development Coordinator, or his designee, to determine compliance with the requirements of this Section and Ordinance. In addition to the information and submittals required by Section 21.28.E.4., the application shall further include the following:

a. The name and address of the principle family member requested to share waterfront dock use and mooring with the lot owner and/or family occupying the waterfront lot as a dwelling;

b. The location, configuration, type, size, number of slips/capacity, dimensions (length, width, height, water depth) of the dock and/or mooring structure sought to be shared and the dimensions, including water frontage, of the lot to be shared;

c. A description of all watercraft proposed for docking/mooring upon the lot during the season including the total number, registered owner, MC #, local watercraft registration Nos., type and size of each watercraft;

d. The location, configuration, type, size, number of slips/capacity, dimensions (length, width, height) of all other docks, mooring structures, or other riparian accessory structures located on the lot

e. A description and location of all means of egress/access facilities to shared areas/facilities, including, but limited to vehicular parking for non-residents utilizing shared facilities.

f. Documentation that the principle family member requested to share waterfront dock use and mooring identified in sub-paragraph a. of this section has deeded riparian rights in a riparian lot bordering Waters of the City

D. Requirements for Shared Waterfront lot Dock Use and Mooring

Applications that are incomplete, or would result in a violation of any requirement arising under local code, ordinance or state law shall be denied. An application for shared waterfront lot dock use and mooring shall be approved upon the Development Coordinator finding that the requested Waterfront lot dock use and mooring as proposed in the applications satisfies all the following:

1. All docks, mooring structures and related riparian accessory structures and facilities comply with all applicable code and ordinance requirements including, but not limited to, applicable use, setback, location and quantity/numerical requirements;
2. All watercraft proposed for seasonal docking/mooring at the lot meet state and local registration requirements;
3. Shared docking/mooring structures and related facilities will reasonably accommodate the proposed shared use including, but not limited, all watercraft so as not to present an unreasonable safety hazard or unreasonably interfere with use and enjoyment of neighboring properties;
4. Compliance with applicable requirements, limitations, conditions or restrictions set forth in this Section and , Chapter 50, Article IX "Marine and Water Safety" of the City Code of ordinances;
5. Compliance with all applicable state law requirements including, but not limited to, . Permits required by the Michigan Department of Natural Resources and Environment (MDNRE) or other state agencies.
6. The lot proposed for shared dock and/or mooring use has a minimum of forty (40) lineal feet of water frontage.

E. Expiration, Revocation of Approval.

Approved Shared waterfront lot dock use and mooring pursuant to this section shall expire on October 31st of each year. Violation of any requirement, limitation or restriction of this section, or noncompliance with a shared use as proposed in an application, shall constitute grounds for revocation prior to expiration.

Section 11. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 12. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 13. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 14. Effective Date.

The provisions of this ordinance are hereby ordered to take effect following publication in the manner prescribed by the Charter of the City of Walled Lake.

AYES:
NAYS:
ABSENTS:
ABSTENTIONS:

STATE OF MICHIGAN)
)SS.
COUNTY OF OAKLAND)

CERTIFICATION

I, the undersigned, the duly qualified and acting City Clerk of the City of Walled Lake, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of

an Ordinance adopted by the Walled Lake City Council at a regular meeting held on the ___ day of _____, 2010, the original of which is on file in my office.

The above ordinance was given publication in the _____ on the following date: _____, 2010.

_____
CATHERINE BUCK
City Clerk
CITY OF WALLED LAKE

_____
WILLIAM T. ROBERTS, Mayor
CITY OF WALLED LAKE

Introduced: _____
Adopted: _____
Effective: _____

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