

**AMENDMENTS FOR LOTS ON LAKES, RIVERS AND STREAMS**

*As Recommended for Approval to the Wayland Township Board*

*By the Wayland Township Planning Commission*

**Following a July 8, 2020 Public Hearing**

**Township Board Approval – 8/10/2020**

**Publication Date – 8/20/20**

**Effective Date – 8/27/2020**

**ORDINANCE NO. 003-2020**

At a regular meeting of the Township Board of the Township of Wayland, Allegan County, Michigan, held in the Wayland Township Hall, 1060 129<sup>th</sup> Avenue, Bradley, Michigan within the Township, on the 10<sup>th</sup> day of August, 2020 at 6:30 p.m.

PRESENT: Members: VanVolkinburg, McInerney, Kamyszek, Miner & Stein

ABSENT: Members: None

The following ordinance was offered by Clerk McInerney and supported by Trustee Stein.

**AN ORDINANCE TO AMEND SECTIONS 3.42, ARTICLE 15, AND THE TABLE OF LOT REQUIREMENTS AND TO DELETE SECTION 3.32 IN ORDER TO PROVIDE CONSISTENCY IN TERMS AND REQUIREMENTS FOR LOTS ON NAVIGABLE BODIES OF WATER AND TO ADD NEW DEFINITIONS WITHIN THE ZONING ORDINANCE OF THE TOWNSHIP OF WAYLAND.**

**ORDINANCE NO. O-03-2020**

**THE TOWNSHIP OF WAYLAND ORDAINS:**

**SECTION 1** Section 3.42 of the Wayland Township Zoning Ordinance is hereby amended in its entirety to read as follows:

**SECTION 3.42 LOTS ABUTTING A NAVIGABLE BODY OF WATER (Lake /River/Stream)**

Lots which abut or contain a lake, river, or stream, also referred to as a navigable body of water, shall comply with the following regulations. For lots within the Rabbit River Protection Overlay Zone the regulations of Chapter 16 shall also apply if the regulations are more restrictive.

a) The width of the lot on the street side shall be the minimum width required for the zoning district in which the lot is located.

b) All lots abutting a navigable body of water shall be a minimum of 100 feet wide measured at the normal high-water mark between side lot lines.

c) The front yard shall be that area between the street right-of-way line and the nearest wall of the principal or accessory building. The minimum required front yard setback distance shall be the same as that required for the front yard setback for the zoning district in which the lot is located.

d) The rear yard shall be that area between the normal high-water mark and the nearest wall of the principal building.

e) Rear Yard Setback for Existing Lots.

- 1) For lots existing as of the date of adoption of this Section 3.42 which abut a navigable body of water, the minimum rear yard setback from the normal high-water mark of the navigable body of water for a new principal building or an expansion of an existing principal building shall be the lesser of:
  - i) The required rear yard setback of the zoning district in which the lot is located OR;
  - ii) The average of the existing setbacks of principal buildings on the adjacent lots if the average setback is less than the required rear yard setback of the zoning district in which the lot is located but not less than 20 feet. If only one principal building exists on the adjacent lots the setback for a principal building shall be the same as the existing principal building on the adjacent lot but in no case shall the setback be less than 20 feet.
- f) Rear Yard Setback for New Lots. For lots abutting a navigable body of water created after the adoption of this Section, the minimum setback from the normal high-water mark of the navigable body of water for principal buildings shall be 50 feet.
- g) The side yard setback requirements shall be as required for the zoning district in which the lot is located.

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**SECTION 2** Section 15.05 of the Wayland Township Zoning Ordinance is hereby amended to read as follows:

Minimum Lot Area	27,000 sq. ft.
Minimum Frontage (1)	150 ft.
Minimum Front Yard (2)	35 ft.
Minimum Rear Yard/ Lake Side	(3)
Minimum Side Yard (4)	10 ft.
Corner Lot Setback from Each Street	35 ft.
Abutting the Lot	
Maximum Building Height	35 ft.
Fence Regulations (5)	
Minimum Floor Area	See Sec. 15.06

Foot Notes

No Change to (1) and (2)

(3) Lake Setback –

- (i) For lots with lake frontage existing as of the effective date of this Section-15.05, the minimum set back from the normal high-water mark of the lake for a new principal building or an expansion of an existing principal building shall be the average of the existing setbacks of principal buildings on the adjacent lots but not less than 20 feet. If only one principal building exists on the adjacent lots the setback for a principal building shall be the same as the existing principal building on the adjacent lot but in no case shall the setback be less than 20 feet.

- ii) For lots with Lake Frontage created after the adoption of this Section, the minimum setback from the normal high water mark of the lake for new principal buildings shall be 50 feet.

No Change to (4) and (5)

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**SECTION 3** The Table of Lot Requirements of the Wayland Township Zoning Ordinance is hereby amended to read as follows:

Foot Notes

1) All lots abutting a navigable body of water shall be a minimum of 100 feet wide measured at the normal high-water mark between side lot lines.

(2) No Change.

(3) Rear Yard Setback for Lots Abutting a Navigable Body of Water- See Section 3.42

Column Heading

Amend the Column entitled Minimum Frontage to read: Minimum Frontage/Width in Feet (1)

Amend the Column entitled Minimum Rear Yard to read: Minimum Rear Yard in Feet (3)

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**SECTION 4** The Table of Lot Requirements of the Wayland Township Zoning Ordinance is hereby amended to read as follows:

For the row entitled RR delete 25 feet and insert “See Section 15.05 Foot Note (3)” in the Column Minimum Rear Yard

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**SECTION 5** Delete Section 3.32, Lots Having Water Frontage

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**SECTION 6** Article 2, Definitions, of the Wayland Township Zoning Ordinance is hereby amended for the following Sections as follows:

**ADD TO SECTION 2.04 DEFINITIONS “D”**

*Deck:* An uncovered platform which extends above grade.

**ADD TO SECTION 2.14 DEFINITIONS “N”** *Normal High-water Mark / Ordinary High-water Mark:* The normal high water mark of the lake as determined by the Department of Natural Resources, or if the Department has not made such a finding, the normal high water mark location shall be determined by the Township Zoning Administrator. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

**ADD TO SECTION 2.15 DEFINITIONS “O”**

*Ordinary High-water Mark/Normal High-water Mark:* The line between upland and bottomland that persists through successive changes in the water level, 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.

Delineation of the ordinary high water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. On an inland lake that has a level established by law, it means the high established level.

**ADD TO SECTION 216 DEFINITIONS “P”**

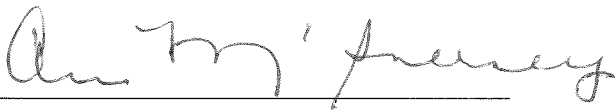
*Patio:* An area at grade level composed of wood, concrete, asphalt, stone, brick or similar material typically adjoining or attached to a house or other principal building. A patio with a roof but no walls is a building.

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**SECTION 7** This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: VanVolkinburg, McInerney, Kamyszek, And Miner & Stein

NAYS: Members: None

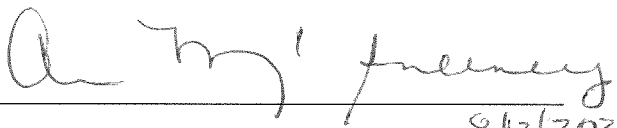
ORDINANCE DECLARED ADOPTED.   
Ann McInerney, Township Clerk 8-12-2020

STATE OF MICHIGAN )

) ss.

COUNTY OF ALLEGAN )

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Wayland at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
Ann McInerney, Township Clerk 8/12/2020