

ARTICLE XIV B

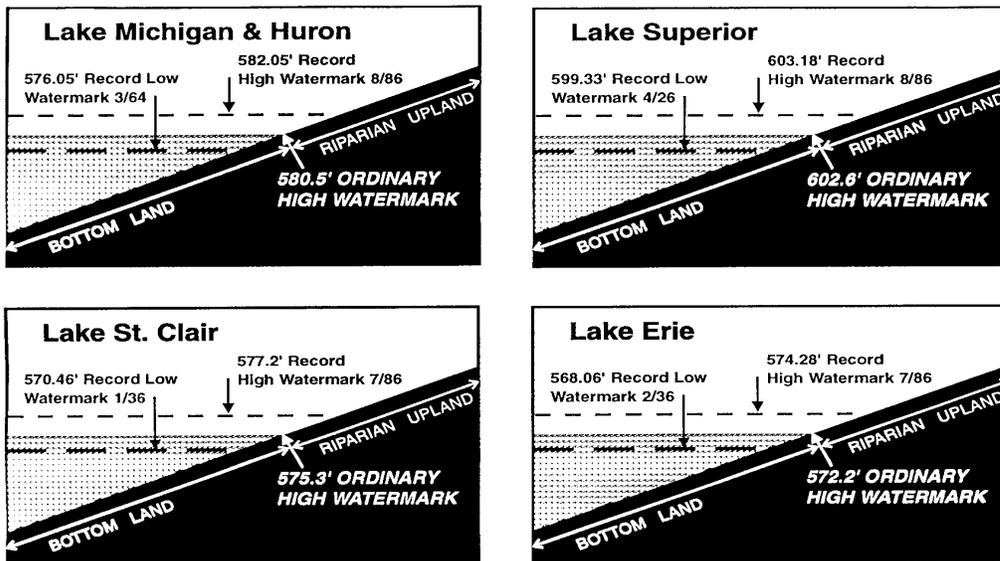
SHORELINE PROTECTION OVERLAY DISTRICT

SECTION 14B.01 Purpose and Intent

A. Purpose

The Shoreline Protection Overlay District includes all land located within **500 feet** of the 1986 Record High Water Mark, and as depicted on the Official Zoning Map for South Haven Charter Township. This boundary extends across all underlying zoning districts. This overlay zoning district is intended to be used in addition to any requirements of Article XIX Environmental Conservation Provisions.

1986 Record High Water Mark: the line of highest water level recorded by the state of Michigan : Lakes Michigan and Huron – 582.05 feet; See illustration below:



ORDINARY HIGH WATERMARK AS SET BY ACT 247 P.A. 1955 ON THE GREAT LAKES

Elevations above the International Great Lakes Datum of 1985 Record Monthly High & Low Levels

B. Intent

The Shoreline Protection Overlay District is intended to protect the unique and sensitive natural environment of the lake shore areas adjacent to Lake Michigan in South Haven Charter Township. Its purpose is based on the recognition that:

- 1) The economic and environmental well-being and health, safety, and general welfare of South Haven Charter Township is dependent on, and connected with the preservation of its Lake Michigan shoreline areas;
- 2) The shoreline zone has unique physical, biological, economic, and social attributes;

- 3) Future land development and redevelopment should not be conducted at the expense of these attributes;
- 4) Property values will be enhanced when the natural features of the shoreline zone are preserved; and
- 5) Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands and waters of Lake Michigan should be prevented or minimized.

SECTION 14B.02 General Requirements

A. Allowable Uses

1. All land located in the Shoreline Protection Overlay District must comply with this Article, in addition to any use restrictions or other regulations applicable under the underlying zoning district(s).
2. In the event that regulations imposed in this Article conflict with regulations of an underlying zoning district, the regulations established in this Article shall prevail to the extent of the conflict and no further.

B. Requirements to Receive Land Use Permit

1. Prior to any construction, earth moving or removal of vegetation within the Shoreline Protection Overlay District, and **prior to the issuance of any Land Use Permit**, all of the following criteria must be met:
 - a) A site plan meeting the requirements outlined in Article XXII and in Section 14B.03 of this Article, shall be submitted to the Zoning Administrator;
 - b) A land use permit shall be withheld pending verification that the applicant has received all required county, state or federal permits, including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetland permits; flood plain and culvert permits; driveway permits; or building permits.
 - c) If a permit or approval has been issued by the State of Michigan for a building, structure, or any grading, filling, earth moving, clearing, or removal of vegetation within the jurisdiction and scope of regulations set forth above, a copy of such permit shall be filed with the Zoning Administrator, and such permits or approvals shall be attached to and made a condition of performance for any permit issued under this Article. This Article is intended to supplement, and not abrogate, the Michigan Department of Environmental Quality's authority over the review of applications and issuance of permits for construction activities under the provisions of the Sand Dune Protection and Management Act (Part 353, Natural Resources Environmental Protection Act, MCL 324.35301 et. seq.) and the Shore Lands Protection and Management Act, (Part 323, Natural Resources Environmental Protection Act, MCL 324.32301 et. seq.);
 - d) Prior to receiving site plan approval, slopes of over 30 degrees from the toe of the slope to the crest shall be protected in a natural state, as defined in Article II of this Zoning Ordinance.

C. Setback Requirements

1. For all earth removal or excavations within the Shoreline Protection Overlay Zone, a side setback of fifteen (15) feet from the nearest point of any earth change to the lot line shall be required.
2. All structures proposed to be built within the Shoreline Protection Overlay Zone shall be set back according to the requirements below, except for the following exempt structures: pump houses, recreational docks, storm water and erosion control devices, picnic tables, benches, recreational watercraft, and stairways and walkways.
 - a) Within the Shoreline Protection Overlay boundary, the following setback requirements apply:
 - i) No structure, except those listed in subparagraph (2) above, shall be allowed within 50 feet of the 1986 Record High Water Mark;
 - ii) All structures, except those specifically exempted in subparagraph (2) above, shall be set back 100 feet from the 1986 Record High Water Mark.
 - iii) On lots with a steep bluff which begins within 100 feet of the 1986 Record High Water Mark all structures, except those specifically exempted in subparagraph (2) above, shall be set back at least 50 feet from the top of the bluff;
 - b) If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply. Where the imposition of the setbacks in the above table precludes the location of a dwelling or other primary structure, the applicant may request a variance. Any variance must be obtained from the Zoning Board of Appeals in accordance with Article XXIV. No variance shall be granted for any use or structure in violation of the intent and purpose of this Article or state law.

D. Minimum Requirements for New Lots or Land Divisions Outside of Plats

1. For new lots or land divisions located outside of existing plats, the minimum lot depth shall be 300 feet.
2. The minimum lot width for new parcels shall be 75 feet. Lots deeper than 300 feet shall not exceed the length to width ratio of 4 to 1.

SECTION 14B.03 SITE PLAN REVIEW

A. Site Plan Approval Standards

In addition to Site Plan Review Standards set forth elsewhere in the South Haven Township Zoning Ordinance, the following standards shall be considered by the Zoning Administrator or Planning Commission when reviewing a Site Plan submission in the Shoreline Protection Overlay District:

1. The Site Plan shall demonstrate that erosion and sedimentation shall be prevented, and that the risk of structural loss due to future changes in lake levels is minimized;
2. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance on adjacent properties.

B. Site Plan Data Required

An application for a land use permit in the Shoreline Protection Overlay District requires submission of a site plan, even if the underlying zoning district does not require a site plan. The site plan must contain the following documents and information:

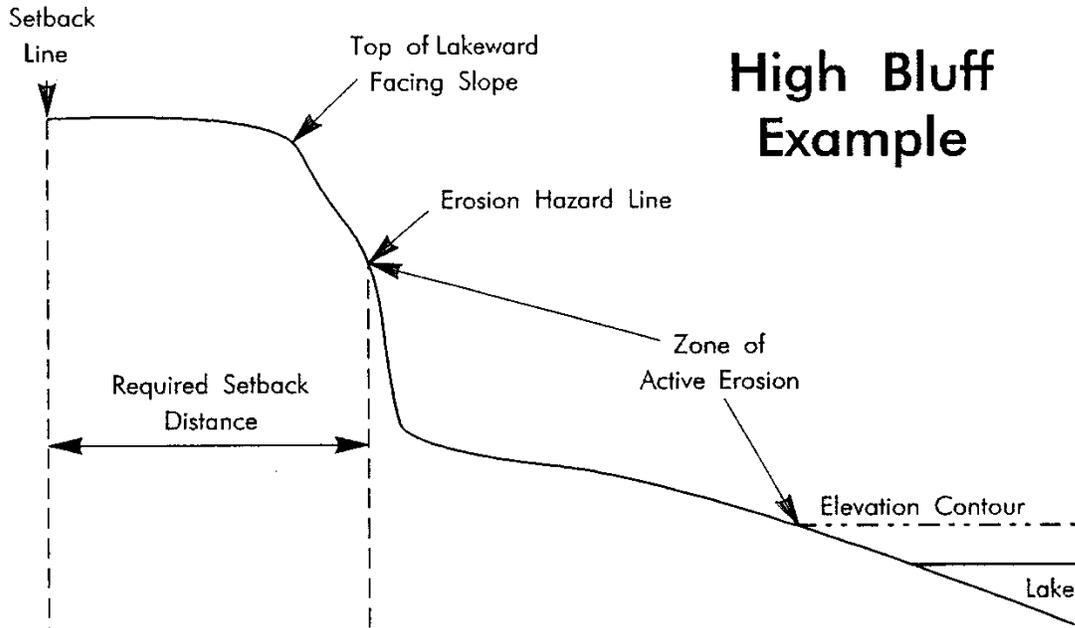
South Haven Township Zoning Ordinance

Shoreline Protection Overlay Zone

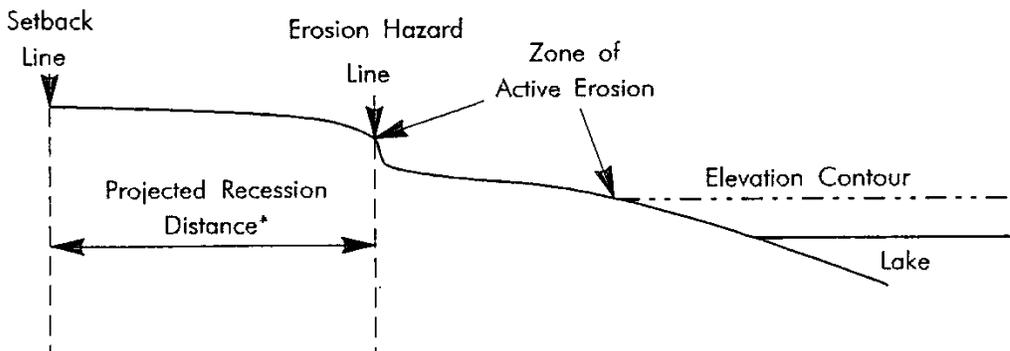
1. Two complete sets of plans that show the placement of any buildings or other structures, delineate a perimeter line encompassing all proposed activities, and identify the location and extent of the Shoreline Protection Overlay District boundary;
2. All shoreline types and coastal resources should be identified, including bluff ridges, wetland boundaries, dune crest, ordinary high water mark, and tree line (as defined by trees with a minimum diameter of 4" DBH), and first landward boundary of native grasses;
3. A description of outdoor lighting;
4. A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks;
5. A Grading Plan that delineates areas of cut and fill, and identifies changes in topography and drainage. If the area to be graded exceeds a depth or fill of two (2) feet the applicant shall submit a map showing the existing contours of the site and finished contours to be achieved by grading. Contours shall be sufficiently detailed to define the topography over the entire site (generally at two-foot intervals) and shall be design to have no impact upon neighboring properties;
6. Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization measures as submitted to the Soil Erosion Control Enforcement Officer;
7. Detailed drawings delineating areas to be cleared of vegetation before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas;
8. Detailed drawings that show the location of existing structures on the property, as well as dwellings on neighboring parcels;
9. Detailed map identifying the location of property, including a full tax identification number, location of the nearest public road intersection, a north arrow and map scale;
10. The name, address, professional status, license number (if applicable), and phone number of the person who prepared the plan;

C. Site Plan Review Procedures

1. The Zoning Administrator shall review and approve permits for the construction of any single family dwelling, or accessory buildings or structural additions to a proposed or existing single family dwelling, on lots or parcels with Lake Michigan frontage. The Planning Commission shall review and approve permits for the construction of any commercial or industrial structures, or residential applications for more than one dwelling, or any other structure, land use, or clearing and grading, or other earth removal activities on lots or parcels with of Lake Michigan frontage.



Low Bluff Example



* Is the required setback distance on low bluffs.

