Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

Chapter 1252.01	Purpose
Chapter 1252.03	Overlay Zone Established
Chapter 1252.05	Site Development Standards
Chapter 1252.07	Vegetation, Beaches, Seawalls & Erosion Control
Chapter 1252.09	Docks & Boat Launches
Chapter 1252.11	Storm Water Drainage

1252.01 PURPOSE

The Waterfront–Shoreland Overlay District is an overlay district intended to ensure that the environmental and aesthetic quality of the surface water resources, surrounding lands, and wetlands of the Village of Lake Isabella are protected from misuse and degradation.

The surface water resources of the Village of Lake Isabella are a valuable asset to the citizens of the Village and are also utilized by people downstream of the Village. The purpose of this district is to provide specific regulations which will further the maintenance of safe and healthful conditions; prevent and control water pollution; reduce the possible causes and effects of erosion and eutrophication; protect fish and other aquatic life; provide for the wise utilization of water and related land resources; and control development so as to preserve the economic and natural environmental value of shoreland areas.

It is recognized that the surface water resources of the Village are a shared resource of relatively fixed supply and, thus, must be regulated in a manner which will ensure reasonable usage by riparian property owners and the general public.

1252.03 OVERLAY ZONE ESTABLISHED

This overlay district includes all lands, parcels, and lots in any zoning district of the Village which are contained wholly or partially within 1,000 feet of the ordinary high water mark of any state-designated navigable waters and other significant waters, including but not limited to, the Chippewa River and Lake Isabella. For the purposes of this zoning code, the separation point between the Chippewa River and Lake Isabella shall be the Sherman/Broomfield township line where the Chippewa River flows into the Village. Lake Isabella shall be considered all continuous waters from that point to the dam where the name of the waterway shall return to the Chippewa River.

The regulations and requirements of this overlay district shall be deemed to be in addition to all standards, regulations, and requirements of the underlying zoning district involved.

1252.05 SITE DEVELOPMENT STANDARDS

1. Building Setback: No portion of any primary or accessory structure, including decks, and boat houses shall be located within 35 feet of the ordinary high water mark of any body of water.
2. Exempted Accessory Structures: For purposes of the above setback requirement, not more than one flagpole less than 20' in height, and lawful docks which may include an improved "landing area" less than 12' x 12' in surface area located at the shore-end of a dock (and on dry land) including benches and tables, are not considered accessory structures.
3. Permits Required: Before the issuance of any zoning permit for lands in the overlay district, the Village shall first be provided with a copy of a soil erosion permit from Isabella County and all permits required by the state of Michigan.

1252.07 VEGETATION, BEACHES, SEAWALLS & EROSION CONTROL

1. Vegetation shall be regulated in the following manner within the overlay district.

   A. All exposed bottomlands and all land within 35 feet of the ordinary high water mark of a body of water shall be maintained in a vegetative state of some kind, such as but not limited to grass, shrubs, trees, and other like plants, unless otherwise permitted in this chapter.

   B. The temporary removal of vegetation is allowed if it is promptly restored to a level of equal or greater erosion control. For soils that are disturbed during site work on any parcel, the owner of such parcel shall restore such soils and lands to the specification outlined in the soil erosion permit for such parcel.

2. Beaches, including those beaches located above and/or behind a seawall, shall be regulated in the following manner within the overlay district.

   A. In any residential zoning district (LR-1, LR-2, MFR, AR), exposed bottomlands and lands abutting the ordinary high water mark of a body of water may be used, modified and maintained as beaches, including the removal of vegetation and organic soils, based on the regulations found in this chapter. For beach areas that are modified from their natural state, the following criteria apply:

      1. The average width of the beach area shall extend no further inland from the ordinary high water mark than 15 feet; and,

2. At no point may the beach area have a grade change of more than 3 feet of increase from the ordinary high water mark.
3. The total water frontage of any improved beach (including sanding) for a given lot or parcel is allowed only as follows:

Amount of Frontage for the Parcel or Lot Involved	Permitted Improved Beach Frontage
0 to 99 feet	20 feet
100 to 149 feet	25 feet
150 to 199 feet	30 feet
Over 200 feet	35 feet

B. In the Open Space Recreational zoning district, beaches shall be regulated as follows: No single parcel shall have more than 40% of its total water frontage used as a beach area unless the parcel is part of a larger network of commonly owned parcels all zoned "Open Space Recreational," in which case the following applies:

1. The percentage of water frontage devoted to beaches shall be calculated as a total of the adjoining parcels under common ownership.
2. This regulation is to be applied concurrently with the regulations of Chapter 1252.09 which regulate dock spaces in areas zoned open space recreational.

C. Seawalls in the Village of Lake Isabella shall be regulated by the Michigan Department of Environmental Quality, except that wood seawalls constructed in a horizontal pattern shall be prohibited.

D. In the Residential zones within the Waterfront-Shoreland Overlay District, no fencing of any kind shall be located within 35 feet of the ordinary high water mark in any residential zoning district.

1252.09 DOCKS & BOAT LAUNCHES

1. No boat ramp, boat launch, or similar facilities may be constructed, improved, or utilized in any residential zoning district (LR-1, LR-2, MFR, AR) for the launching of boats. Nevertheless, areas of natural grade for boat launching may be used in their natural state as long as they remain in their natural slope and vegetative state, and are used only for the owner of the particular lot or parcel involved.
2. Boat ramps, boat launches, or similar facilities for the launching of boats are permitted only in the Open Space Recreational district. For each 5,000 feet of frontage in the Open Space Recreational district that is in common ownership by any single individual, organization, or association, one (1) launching site may be

allowed by the issuance of a zoning permit. All such facilities shall be constructed, operated and maintained in the following manner:

A. All such facilities shall be properly gated and locked. Rules governing the use of such facilities shall be drafted and administered by the owning body of any parcels located within the Open Space Recreational district.

B. Facilities for launching boats in the Open Space Recreational district may be operated and maintained above and below the ordinary high water mark as regulated by the Michigan Department of Environmental Quality, including the placement of cement, stones, brick or other hard materials to create a launching and mooring surface.

3. Dock spaces shall be limited in all residential zoning districts (LR-1, LR-2, MFR, AR) to not more than one (1) dock extending into the lake from and for any parcel or lot. On or at no parcel or lot (or the shoreline or bottomlands thereof) in a residential district shall more than 5 watercraft be moored, docked, or kept at a single time either via a dock, anchoring device, or aground. No dock in a residential zoning district may extend into the lake more than 40 feet past the ordinary high water mark at any time, and no dock in a residential zoning district may extend into the river more than 20 feet past the ordinary high water mark at any time.

4. Dock spaces in the Open Space Recreational district shall cover or involve not more than 50% of the water frontage of any parcel unless the parcel is part of a network of waterfront parcels under common ownership and which are all zoned Open Space Recreational. In that case, the total amount of frontage that may be devoted to dock spaces shall not be more than 35% of the total frontage for all of the parcels under common ownership. This does not prevent any single parcel of such a network from having more than 50% of its frontage devoted to dock spaces; however, no parcel may have more than 80% of its single frontage devoted to dock spaces while part of a network of waterfront parcels under common ownership. Community docks in the Open Space Recreational district are encouraged. Community docks shall have their shoreline frontage computed using the overall linear parallel length of the dock in relation to the shoreline.

1252.11 STORM WATER DRAINAGE

For any new public or private street approved after the effective date of this Chapter, the following shall apply. All storm drainage systems shall be shown and approved by the Village and shall be in plan and profile on standard 24-inch by 36-inch white prints having blue or black lines, and shall be neatly and accurately prepared to an engineering scale and shall also contain, at a minimum, the following information:

1. Sewer location and material type.
2. Sewer size (minimum 12-inch).
3. Cover (minimum of 3 feet).

4. Sewer slope.
5. Class and type of pipe for various depths (C76-Class II) under roads and parking lots.
6. Bedding (Class "B" minimum).
7. Compaction of trenches across roadway, driveways, sidewalks and parking lots (Class II Granular Backfill at 95% compaction).
8. Manhole and catch basin locations, and filter type for any drain that flows directly from a street to a body of water within the overlay district.
9. Existing utilities which cross or parallel proposed storm drains.
10. Design calculations shall be submitted for:

    A. Storm sewers.
    B. Drainage ditches.
    C. Retention ponds.
    D. Restricted discharges.

11. The applicant shall submit to the Village written evidence showing that the storm drainage plan has been approved by the following agencies, if they have jurisdiction:

    A. Isabella County Road Commission. (ICRC)
    B. Michigan Department of Transportation. (MDOT)
    C. Isabella County Drain Commissioner. (ICDC)
    D. Michigan Department of Natural Resources. (MDNR)
    E. Michigan Department of Environmental Quality (MDEQ)

12. Storm Sewer slopes shall provide a flowing full velocity of at least 3 feet per second, minimum, and 10 feet per second, maximum.
13. All manholes shall be watertight, made of precast concrete, and shall have a minimum inside diameter of 48 inches. Landings are required when the depth exceeds 20 feet.
14. Clear openings in manholes shall be a minimum of 24 inches.

15. Maximum spacing between storm drainage structures shall be as follows:

Sewer Size, Inches	Manhole Spacing, Feet
12-15	300
18-30	350
36 and larger	400

16. Storm drainage structures, other than manholes, shall meet the following minimum requirements:

A. 24-inch diameter structures are permitted if the depth from rim to top of the bottom slab is less than 5 feet and the structure is at the head of a run. Structures with a depth greater than 5 feet shall have a minimum inside diameter of 4 feet.
B. Structures should be precast concrete, except where standard manufacturers are unable to cast such a structure. In that case manhole block or a combination of manhole block and precast will be used.
C. Clear openings in structures shall be a minimum of 24 inches.

17. In general, street catch basins shall comply with the standards of the Isabella County Road Commission and shall be located as follows:

    A. At the radius return of street intersections. There should be a maximum distance of 150 feet along the street between a high point and a corner catch basin when drainage is required to go around the corner. No drainage will be permitted to enter into an intersection.
    B. At all low points in streets.
    C. At intermediate points along the street such that there is a maximum of 400 feet of drainage draining from a high point to a catch basin or from a previous intercepting catch basin to this catch basin.
    D. A maximum of 400 feet of drainage is allowed from each direction.
    E. At each corner of intersections with public roads to prevent drainage from passing through the intersection.

18. Improved open drains “ditches” may be permitted only if the road cross section or land use so warrants and if approved by the Planning Commission of the Village of Lake Isabella.