

**PORTER TOWNSHIP ORDINANCE NUMBER 30
RIPARIAN WATERFRONT LOT USE REGULATIONS
KEYHOLE OR FUNNEL WATERFRONT ACCESS**

Section 1 - - INTENT

It is the intent of this section to promote the integrity of the lakes within Porter Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess uses; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this ordinance shall be constructed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

Section 2 - - REGULATIONS

In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be used as access property or as common open space held in common by a subdivision, association, or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed covenants or restrictions of record; or owned by two or more dwelling units located away from the waterfront, only if the following conditions are met:

- A. That said parcel of land contain a minimum of 7,000 square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
- B. That in no event shall water frontage of such parcel of land consist of a swamp, marsh or bog as shown on the most recent U. S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh or bog be altered by dredging, the addition of earth or fill material or by the drainage of water frontage required by this regulation.

- C. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
- D. That access property, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s) or for any commercial or business use.
- E. That piers or docks on such access property shall not be closer than fifty (50) feet from another pier or dock, nor longer than 120% of the average of the four (4) adjacent residential lot piers or docks on either side of the access property to a maximum length of fifty (50) feet.
- F. The maximum number of boats which can be stored in any manner on land or in the water on access property is limited to two (2) per fifty (50) feet of lot frontage.

Section 3 - - NONCONFORMING USES

In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such access shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

Section 4 - - SEVERABILITY CLAUSE

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or part thereof other than the part so declared to be unconstitutional or invalid.

Section 5 - - DEFINITIONS

"Access Property" shall mean a property, parcel or lot abutting a lake and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

Section 6 - - EFFECTIVE DATE

This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted: August 9, 1995
Effective: September 17, 1995

Charles Meade Jr
Township Clerk

