

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 **300 feet** of the U.S. Army Corps of Engineers High Water Mark or as amended by the US-ACE, 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.

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

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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 one (1) foot per each foot of depth of excavation or earth removal 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 (1) above, shall be allowed within 50 feet of ordinary high water mark;
 - ii) All structures, except those specifically exempted in subparagraph (1) above, shall be set back 100 feet from the 1986 High Water Mark.
 - iii) On lots with a steep bluff which begins within 100 feet of the 1986 High Water Mark all structures, except those specifically exempted in subparagraph (1) 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.

SECTION 14B.03 SITE PLAN REVIEW

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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.