CHAPTER 8

**R-4 LAKE RESIDENTIAL DISTRICT**

**SECTION 8.01 DESCRIPTION AND PURPOSE**

This District is intended to preserve and enhance the water and scenic quality of the lakes and wildlife found in Decatur Township, the investment in lake property, the quality of lakefront living, and the natural environment. These regulations recognize that many lots were created and dwellings constructed before any local regulations were applied and that, as a result, there are lakefront lots that exist at a higher density than would be permitted if those lands were currently developing.

**SECTION 8.02 PRINCIPAL PERMITTED USES**

Buildings and structures permitted in this District may be used for the following purposes only:

 A. Single family dwellings

 B. Publicly owned and operated parks, playgrounds and other recreational areas without buildings

 C. Pump houses, provided that they do not exceed sixteen (16) square feet in area, not to exceed three (3) feet in height above grade level, and not be located closer than three (3) feet to any side lot line.

 D. Home occupations in accordance with Section 16.14.

 E. Adult foster care family homes for six (6) persons or less, in accordance with Section 16.33.

 F. Family Day Care Home, in accordance with Section 16.33.

 G. Foster Family Home, in accordance with Section 16.33.

 H. Foster Family Group Home, in accordance with Section 16.33.

1. Accessory structures customarily incidental to the above permitted uses.

**SECTION 8.03 USES PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 16 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

 A. Churches

 B. Private schools

 C. Boat houses

 D. Marinas

1. Bed and breakfast facilities
2. Group Day Care Home, in accordance with Section 16.33.

**SECTION 8.04 DEVELOPMENT STANDARDS**

 A. **HEIGHT.** No residential building or accessory structure shall exceed thirty-five (35) feet in height.

 B. **FRONT YARD.** There shall be a front yard of not less than thirty (30) feet. The front yard shall be measured from the ordinary high mark on the lake side of waterfront lots.

 C. **SIDE YARD**. For residential buildings and structures, there shall be a side yard of not less than five (5) feet.

 D. **REAR YARD.** For residential buildings and structures, there shall be a minimum rear yard of twenty-five (25) feet.

 E. **LOT AREA.** For residential buildings and structures, no lot or building site may be less than six thousand (6,000) square feet.

 F. **LOT WIDTH.** No lot or building site may have a width of less than fifty (50) feet. The lot width shall be measured at the front yard setback line. For waterfront lots, the lot width shall be measured at the ordinary high watermark and shall be measured as a straight line between the points where the ordinary high water mark crosses the side property lines.

G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the applicable minimum lot width.

H. **MINIMUM FLOOR AREA.** Each dwelling unit, unless specified elsewhere, shall have a total minimum of nine hundred sixty (960) square feet of usable floorarea on the main floor.

I. **SITE PLAN REVIEW.** No change shall be made in the material grade of property within the R-4 District without the submission of a site plan in accordance with Chapter 17.

J. **DOCKS AND WATERCRAFT.** For lakefront lots, one (1) dock per lot or building may be permitted, provided that it is less than six (6) feet in width and less than thirty-five (35) feet in length, unless necessary to reach a water depth of four (4) feet or more. No more than three (3) boats, not including personal water craft, shall be regularly moored at any dock serving a single residence.

K. **RIPARIAN ACCESS LOTS.** See Section 16.30 for standards regarding riparian access lots.

**SECTION** **16.30** **RIPARIAN WATERFRONT LAND AND LOT USE REGULATIONS**

 A. **PURPOSE**. The following restrictions are intended to protect the quality of lakes within Decatur Township: to protect the health, safety and general welfare of riparian owners and other users of said lakes; to preserve the recreational use of said lakes while discouraging excess use thereof; 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 construed 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.

 B. **DEFINITIONS.** As used herein “Access Property” shall mean any waterfront parcel of land or lot adjoining or abutting a lake, or other body of water connected to a lake, which is used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from non-waterfront land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form of dedication or conveyance.

 C. **REGULATIONS.** In any zoning district where a parcel of land is adjoining or abutting a lake, or other body of water connected to a lake, whether such parcel is held in common by a subdivision, association, or any other entity or similar agency; or held in common by virtue of the terms of a plat of record; or providing for common use under deed, easement, licensing or use covenants; or owned by one or more dwelling units located away from the waterfront, such parcel of land may be used as access property only if the following conditions are complied with.

 1. Said parcel of land shall contain a minimum of fifty (50) lineal feet of water frontage and a minimum depth of one hundred (100) feet for each single family home, cottage, condominium unit, site condominium unit, apartment, or other individual dwelling unit to which access privileges are extended or dedicated. Water frontage shall be measured by a straight line which intersects each side line of said lot or parcel of land at the water’s edge.

 2. 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 been determined to be wetland by the Michigan Department of Environmental Quality; nor shall a swamp, marsh, bog or wetland be altered by dredging or the addition of earth or fill material, or by the drainage of water for the purpose of increasing the water frontage required by these regulations.

 3. 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 these regulations.

 4. Access property, as herein provided for, shall not be used as a residential lot for the purpose of constructing dwelling(s) and/or accessory structure(s) or for any commercial or business use.

 5. Not more than one pier or dock may be located on such access property for each fifty (50) lineal feet of water frontage, and same shall not be located closer than twenty (20) feet from any other pier or dock.

 6. Not more than four (4) watercraft may be moored or stored in any manner on land or in the water for each fifty (50) lineal feet of waterfront access property.

 D. **NON-CONFORMING USES**. In any district in which access property has been established before the effective date of Ordinance No. 2 of 2000, such access property 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 or expansion of the use of existing sites.