

Date: May 5, 2026
From: Ken Lane, Township Planner
To: Banks Township Planning Commission
Project: Waterfront Overlay discussion

Waterfront residential districts, or waterfront overlay districts, are often adopted as part of a community's zoning ordinance to protect shorelines, manage erosion, and manage development around lakes and rivers. Generally, these districts apply additional regulations—such as tighter setbacks, vegetation strips and landscaping requirements, and building height limits—that differ from existing zoning requirements.

Items for Planning Commission discussion when considering a waterfront zoning district:

- Locations within the Township where the district applies;
- Setback requirements from lakes, rivers, or streams;
- Structures permitted within setback areas (docks, boardwalks, patios, etc);
- Permitted or required vegetation and landscaping requirements;
- Landscaping maintenance requirements;
- Permissible shoreline protection (seawalls, geotubes, natural armoring, etc).

A sample ordinance is attached to facilitate Planning Commission discussion.

The process to incorporate a waterfront residential or overlay district into the Township Zoning Ordinance and amend the Township Zoning Map is the same as an amendment to the Zoning Ordinance:

- The Planning Commission drafts the waterfront district language and identifies the areas it will apply on the Zoning Map;
- The Planning Commission holds a public hearing on the proposed language and map amendment and makes a recommendation to the Township Board;
- The County Planning Commission is provided 30 days to offer written comment on the Township Planning Commission recommendation;
- The Township Board approves or denies the proposed waterfront district.

to the maximum extent possible, between the ordinary high water mark and the landscape predominated by forest vegetation.

2. To preserve the fragile and transient nature of the beach/dune landscape, whenever possible, the lakeshore side of all structures, except water-related structures listed in subsection B below, shall be located within the landscape predominated by forest vegetation rather than within the beach/dune landscape. Natural ground cover shall be preserved to the fullest extent feasible and where removed, it shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. Attempts should be made to incorporate existing mature trees into the design, with trimming for filtered views whenever possible.

For purposes of this section, "Forest vegetation" is defined by woody plants with a diameter at breast height (dbh) of three (3) inches or more. For purposes of this section, "Beach/dune landscape" is defined as those areas where dune vegetation predominates, some of which include: Beach grass (*Ammophila Breviligulata*), Pea grass (*Lathyrus Japonicus*), Bearberry (*Arctostaphylos Uva-uris*), Creeping juniper (*Juniperus Horizontalis*), Common milkweed (*Asclepias Syriaca*), Willow (*Salix sp*) and Beach wormwood (*Artemisia Canadensis*).

B. Setbacks.

All structures within the Waterfront Overlay District shall be set back according to the requirements below, except for the following water related uses: recreational docks, boardwalks, pump houses, beach decks, stormwater and erosion control devices and similar facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing viewsheds or water resource uses.

1. All structures shall be a minimum of sixty (60) feet from the 1986 ordinary high water mark for Lake Michigan as documented by the U.S. Army Corps of Engineers, said mark being 581.99 feet above sea level. If the beach/dune environment extends a distance greater than sixty (60) feet landward from the 1986 ordinary high water mark, then structures shall be placed in a fashion as described in subsection A above.
2. Structures listed as exceptions above shall require zoning permits before construction. The maximum height (including railings) shall be three (3) feet.
3. A setback of sixty (60) feet will be maintained from other water features such as streams, lakes and ponds.
4. Waterfront development shall maintain, to the maximum extent possible, open and unobstructed views to the waterfront from adjacent properties, roadways and pedestrian ways.

WATERFRONT OVERLAY DISTRICT

Purpose.

The Waterfront Overlay District is enacted to implement a protection strategy for Banks Township waterfront resources. The purpose and intent of the Waterfront Overlay District is based on the recognition that:

- A. The economic and environmental well-being of Banks Township is predicated on the preservation of its waterfront resources.
- B. Waterfront properties have unique physical, economic and social attributes.
- C. The existing viewsheds of waterfront property owners should be preserved.
- D. Many of the landscape features found in the waterfront district are susceptible to wind and wave erosion and should be protected from adverse human impact.
- E. Future land development and redevelopment should not be conducted at the expense of Banks Township's natural features.
- F. The natural features of the waterfront district should be preserved and maintained for all Banks Township residents.

Areas Affected.

The areas affected by the requirements of the Waterfront Overlay District are designated on the Zoning Map. Only the portion of a property which is within the Waterfront Overlay District is affected by these requirements.

Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in the "Table of Permitted and Special Land Uses" for the underlying zoning district and shall be subject to all other applicable provisions of this Ordinance.

Development Standards.

The following development standards are required within the Waterfront Overlay District. In the event that regulations imposed by this Section are in conflict with the underlying zoning district, the regulations imposed by this overlay district shall prevail to the extent of such conflict and no further.

- A. Natural Vegetation.
 - 1. To minimize erosion, stabilize the coast, protect water quality, preserve wildlife habitat and maintain aesthetic values, a natural vegetation strip shall be maintained,