CLEARWATER TOWNSHIP

AMENDMENT # __ TO ORDINANCE NO. 22, "THE ZONING ORDINANCE"

AN ORDINANCE TO AMEND THE CLEARWATER TOWNSHIP'S ZONING ORDINANCE ENACTED ON JUNE 15, 2011, TO PROVIDE ZONING REGULATIONS AND DEFINITIONS GOVERNING WATERFRONT PROPERTIES WITHIN THE TOWNSHIP.

The following amendment was enacted at a regular meeting of the Clearwater Township Board on _____, 2026:

THE TOWNSHIP OF CLEARWATER ORDAINS:

SECTION 1. AMENDMENT TO ARTICLE IV.

Article IV, General Provisions, of The Zoning Ordinance, is hereby amended to add a new Section, Section 4.15, entitled "Waterfront Restrictions," to read as follows:

4.15 WATERFRONT RESTRICTIONS

A. Purpose

The purpose of this amendment is to regulate the use and intensity of waterfront property within Clearwater Township in order to protect the public health, safety, and general welfare; preserve recreational use of Township waters; protect water quality and natural resources; prevent overcrowding and excessive concentration of water access; reduce conflicts among waterfront uses; and preserve the character and natural qualities of waterfront areas. It is further the intent of this amendment to establish reasonable standards governing common-use riparian lots, keyhole development, and funneling, marinas, watercraft access, and related waterfront use.

1. Applicability.

a. The provisions of this Section apply to all lots and parcels of land providing, receiving, or utilizing riparian access to any lake, stream, or other body of water within Clearwater Township, Michigan.

b. Nothing within 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.

2. Continuation of Lawful Existing Uses.

a. On any parcel for which riparian access has been established before the effective date of amendment of this ordinance, such access shall retain historic uses to the extent otherwise lawful.

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b. On any parcel for which lawful riparian access has been established before the effective date of amendment of this ordinance, any proposed development, revision or alteration which will expand lake usage shall be subject to special use approval in accordance with the Clearwater Township Zoning Ordinance.

c. The lawful mooring, docking, or launching of watercraft or the usage and number of docks on or from a particular lot, parcel, or separate frontage occurring prior to the date of adoption of this Ordinance amendment is permitted to continue without change. However, any change, alteration, or expansion of the prior usage which occurs after the date this Ordinance becomes effective must fully comply with the provisions of this Ordinance.

    i. For purposes of this Section, normal maintenance and repair of docks due to normal wear and tear is not considered a change, alteration, or expansion of prior usage. The burden of asserting a defense under this Section is on the property owner who asserts a lawful existing use.

B. Anti-Funneling Regulations.

Where a lot or parcel provides riparian access for the use or benefit of another lot, parcel, dwelling unit, site, or occupancy, such riparian lot or parcel shall be subject to the requirements of this subsection.

1. Record of Riparian Users.

The deed or other recorded instrument establishing rights to use a common-use riparian lot shall identify the non-riparian residential lots or parcels which have rights to use such riparian lot per section B.2.

2. Calculation of Users.

For purposes of determining the number of lots, dwelling units, sites, or occupancies served by a common-use riparian lot, **each separate dwelling unit, campsite, recreational vehicle site, condominium unit, or other separately occupied or separately usable site or unit with rights of access to or use of the riparian lot shall be counted as one separate lot, dwelling unit, site, or occupancy, as applicable.** The number of such lots, units, sites, or occupancies shall be determined based on the actual number of separately occupied or separately usable units or sites, **regardless of whether they are located on the same lot, parcel, condominium development, campground, or other property.** Multiple dwelling units, sites, units, or occupancies located on a single lot or parcel **shall not be combined, aggregated, or treated as a single lot, parcel, dwelling unit, site, or occupancy** for purposes of this subsection.

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3. **Common-Use Riparian Lots –Minimum Dimensions and Access.**
   A common-use riparian lot used to provide water access to non-riparian lots or parcels shall meet the following requirements:

   a. Such riparian lot shall have a minimum width of one hundred (100 feet) of riparian frontage.

   b. Such riparian lot shall have a minimum lot depth of one hundred fifty (150) feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.

   c. Such riparian lot shall serve no more than two (2) non-riparian lots or parcels, except as provided for in 3.d of this subsection.

   d. For each additional full fifty (50) feet of riparian frontage beyond the first one hundred (100) feet, one (1) additional non-riparian lot or parcel may be served; provided, however, that no common-use riparian lot shall serve more than four (4) non-riparian lots or parcels or single-family dwelling units in total per section B.2.

C. Common-use Riparian Lot Restrictions.

a. Structures. No structures, including but not limited to dwelling units, clubhouses, boathouses, marinas, or storage buildings, shall be permitted on a common-use riparian lot. A port-a-john and a shed not to exceed 200 square feet are allowed.

b. Overnight Use. No overnight camping or overnight occupancy shall be permitted on a common-use riparian lot, including in tents, recreational vehicles, campers, or watercraft.

c. Commercial Rental. No docks, dock space, moorings, or watercraft, whether powered or unpowered, shall be rented, leased, or otherwise made available for compensation on or from a common-use riparian lot.

d. Vehicles and Trailers. Vehicles and trailers must remain a minimum of fifty (50) feet from the water’s edge.

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D. Marinas.

Marinas are not allowed in other than commercially zoned districts.

E. Boathouses.

No new boathouses are permitted on any riparian lot or parcel.

F. Powered Watercraft.

The number of powered watercrafts permitted to be docked, moored, or otherwise maintained on or adjacent to a riparian lot or parcel shall be determined by the amount of riparian frontage of such lot or parcel, as follows:

a. A riparian lot or parcel having one hundred (100) feet or less of riparian frontage may have no more than three (3) powered watercraft.

b. For each additional full thirty-three (33) feet of riparian frontage beyond the first one hundred (100) feet, one (1) additional powered watercraft shall be permitted.

c. In no event shall more than six (6) powered watercrafts be permitted on or adjacent to any riparian lot or parcel.

d. For purposes of calculating the number of powered watercraft permitted under this subsection, each personal watercraft shall count as one-half (½) of one powered watercraft. Notwithstanding the foregoing, no more than personal watercraft shall be permitted on or adjacent to any riparian lot or parcel.

e. No riparian lot or parcel shall be used to provide docking, mooring, launching, or water access for powered watercraft in excess of the limitations of this subsection, regardless of ownership of the watercraft.

f. The numerical allowance established by this subsection shall not be construed to authorize the commercial rental or leasing of watercraft, dock space, moorings, or water access.

G. Docks

a. A riparian lot or parcel having one hundred (100) feet or less of riparian frontage shall be permitted one (1) dock. For an additional full fifty (50) feet of riparian frontage beyond the first one hundred (100) feet, one (1) additional dock shall be permitted; provided, however, that no riparian lot or parcel shall have more than two (2) docks.

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b. Docks shall not exceed eighty (80) feet in total length, measured from the water's edge, except where additional length is reasonably necessary to reach a water depth of four (4) feet.

c. Common Docks. Two (2) adjoining riparian lots or parcels may share one (1) common dock. A common dock shall count toward the number of docks otherwise permitted for each participating lot or parcel under subsection (a). No additional dock shall be permitted on either participating lot or parcel except as otherwise permitted under subsection (a).

d. Rental of Waterfront Access. No dock, dock space, mooring, watercraft, or right of access to or use of the waterfront shall be rented, leased, licensed, or otherwise made available for compensation, except as otherwise expressly permitted by this Ordinance.

SECTION 2. ADDITION TO ARTICLE V.

Article V, Definitions of The Zoning Ordinance is hereby amended to add the following definitions:

BOATHOUSE – means an accessory building or structure constructed partly or entirely over water and designed or used primarily for the shelter or storage of watercraft and related marine equipment.

COMMON-USE RIPARIAN LOT ~~(CURL)~~ – means a lot or parcel with frontage on a lake, river, or stream, that allows, has been created to allow, or is proposed to allow common use thereof by persons other than, or in addition to, persons occupying the riparian lot or parcel.

FUNNELING – means the use of a riparian lot to provide access to a lake, river, or stream for the owners, occupants, residents, tenants, guests, invitees, or other users of more than one non-riparian lots or dwelling units, whether such access is provided by easement, common or joint ownership, lease, license, membership, agreement, or other means.

MARINA – means a waterfront facility that extends into or over an inland lake or stream, is owned or operated by a person, and offers services to the public or members of an association, club, or other organization for the docking, mooring, launching, loading, storage, fueling, rental, or other services for watercraft.

PERSONAL WATERCRAFT (PWC) - means any motorized watercraft that has as its primary source of propulsion an electric or fuel powered motor powering a jet pump or propeller and is designed to carry one or more persons positioned on, rather than within, the confines of the hull.

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POWERED WATERCRAFT- means a boat, ship, vessel, recreational vehicle or other watercraft propelled wholly or partially by an internal combustion engine, electric motor, jet pump propulsion system or similar mechanized apparatus, but excludes any craft propelled exclusively by non-motorized means such as wind, foot pedals, paddles or oars.

RIPARIAN LOT – means a lot or parcel of land that touches or has frontage upon a lake, river, or stream, where such lake, river, or stream forms a boundary or portion of a boundary of the lot or parcel. For purposes of this ordinance, littoral property shall be considered riparian property.

RIPARIAN OWNER - means a person who has rights which are associated with the ownership of the bank or shore of an inland lake or stream.

WATERCRAFT – means any contrivance used or designed for navigation on water including but not limited to any vessel, ship, boat, motor vessel, steam vessel, vessel operated by machinery either permanently or temporarily affixed, motorboat, sailboat, barge, tugboat and rowboat.

VESSEL - means every description of watercraft used or capable of being used as a means of transportation on water.

SECTION 3. CONFLICTING ORDINANCES.

All other ordinances and parts of ordinances, or amendments thereto, of Clearwater Township in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY.

The provisions of this ordinance amendment and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses are hereby declared to be severable, and if any of them are declared unconstitutional or invalid, for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance amendment which shall continue in full force and effect.

SECTION 5. EFFECTIVE DATE.

Pursuant to Section 401 of the Michigan Zoning Enabling Act (MCL 125.3401), this Ordinance shall take effect eight (8) days after publication of this Ordinance, or a summary of the regulatory effect hereof, which publication shall occur in a newspaper of general circulation in the Township within fifteen (15) days after adoption.

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CERTIFICATION BY TOWNSHIP CLERK

I, Jenny Cornea, Clerk of Clearwater Township, Kalkaska County Michigan hereby certify that the foregoing ordinance was duly adopted by the Clearwater Township Board at a regular meeting held on the _____, 2026, at the Clearwater Township Community Center, 5440 River St., Rapid City MI, and that the votes cast for and against were as follows:

Ayes: _____ Nays: _____

_____ _____

Jenny Cornea, Clerk Jim Leffew, Supervisor

Newspaper of Publication_____

Publication Date_____ Effective Date_____

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