

ARTICLE 7
LK-1 LAKE FRONT SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 7.00 INTENT

The LK-1 district shall allow relaxed standards for existing uniquely shaped Lots designated as Medium Density Single Family Detached Residential-Lakeside in the Tyrone Township Master Plan which are currently developed around Runyan Lake and Lake Tyrone. Many of these Lots were previously platted at higher densities than desired for today's year-round family residential use. The purpose of the relaxed standards is to allow for the continued use and enjoyment of these parcels without regular need for variances. However, it is not intended that such relaxed standards be used for the creation of new Lots (or developments) at this same density, as this is contrary to the Township Master Pan and not compatible with existing adjacent development. Furthermore, the parcels and Lots in the LK-1 district are served by public sewer and are required to connect to the public sewer system by the Township Sewer Ordinance. Lots, parcels, or units not served by the public sewer would be inappropriate in this district due to the proximity of valuable water resources.

It is also the purpose of these regulations to protect the public health, safety and welfare threatened by the over-use of inland lakes, and to avoid situations which crate a nuisance, impair important irreparable natural resources or destroy property values. This objective is accomplished with restrictions limiting the use of a riparian Lot for boat dockage and launching by non-riparian owners. These regulations are also intended to reinforce the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

SECTION 7.01 PERMITTED PRINCIPAL USES

- A. Residential Uses.** All permitted principal uses defined in Section 5.01, Permitted Principal Uses in the R-1 district.
- B. Boat Docks.** Boat docks, boat docking, boat launching, and common use lots subject to the restrictions of Section 21.02D and Section 21.52.

SECTION 7.02 PERMITTED ACCESSORY USES

- A. Accessory Structures.** Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 21.02.

1. **Location Requirements.** Permitted accessory uses shall be located such that Sight Lines to the water are not obstructed. See Sections 20.02.X, 20.02.Z and 21.02.D.

- B. **Swimming Pools.** Swimming pools. See also Section 21.21.

SECTION 7.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 22 and 23 are required.

- A. **Residential Special Uses.** All of the special land uses defined in Section 5.03, Special Land Uses in the R-1 district.

SECTION 7.04 GENERAL REQUIREMENTS FOR LK-1 USES

- A. **Existing Lots of Record.**

1. **Nonconforming Lots.** Lots of record with water frontage less than 50 feet wide or net lot area less than 6,250 square feet shall be considered nonconforming Lots and shall be subject to the provisions of Section 26.01 except as noted in Section 7.04.A.1.(a).

- a. **Developed Nonconforming Lots.**

- i. **Nonconforming Lots of Record.** Nonconforming Lots of record with existing structures shall not be required to obtain variances or be required to bring the entire structure up to current standards as a result of required maintenance or reasonable home improvements which do not alter the structure footprint. These activities shall include re-roofing, window replacement, residing, driveway maintenance or improvement, heating and cooling improvements, deck repair, electrical upgrades, or the addition of a garage if these improvements would not otherwise require a variance.
- ii. **Administrative Discretion.** Additional activities which do not alter the structure foot print shall be allowed at the discretion of the Zoning Administrator subject to the provisions of Sections 26.03 and 26.04. This section only

applies to activities which require a variance because the structure/Lot combination is nonconforming and not due to any other proposed deviation from the Zoning Ordinance.

- iii. **Footprint Expansion.** Additions or new construction resulting in expansion of the footprint shall be in accordance with the yard and setback standards provided in Section 7.04.C below. A variance shall be obtained as required in Article 28 for any deviations from these standards.

- b. **Undeveloped Nonconforming Lots.** Nonconforming Lots of record that do not meet the lot area and frontage requirements stated in Section 7.04.B and that cannot be combined with adjacent land under common ownership may be developed as permitted by this ordinance, provided that a variance is obtained as required by Article 28 for any deviations from the standards set forth in Section 7.04.B and/or any other standards set forth in this Ordinance for yard, setback, width, area, coverage, sight lines, or height restrictions in the LK-1 district.

- c. **Adjacent Nonconforming Lots.** Whenever two or more nonconforming Lots under common ownership are adjacent they must be combined to result in a single Lot, parcel, unit or tract of land that conforms to the lot width and area requirements of this district, or to form a site that is the least nonconforming possible. This requirement applies only when two or more Lots, or combination of Lots, with contiguous frontage of common ownership and if one or more of the individual Lots does not meet the requirements established for lot width or area. This section is not intended to require the acquisition and assembly of land to create conforming sites. These requirements shall not apply when the contiguous Lots are currently occupied by a single family home on each Lot.

For example, when a single Lots that is not in conformance with the lot area or width requirements for the LK-1 district is proposed for development, any adjacent undeveloped property under the same ownership must be combined with the subject Lot to create a conforming site or to create the least non-conforming site possible.

- 2. **Conforming Lot Provisions.** Lots of record with water frontage of 50 feet or more and net lot area of 6,250 square feet or more shall be considered conforming Lots of record. All such Lots may be developed in accordance

with the standards (i.e. uses and setbacks) set forth in this chapter and ordinance. Conforming Lots of record may not be divided or split into two new Lots or parcels unless the Lots or parcels are in conformance with the standards of Section 7.04.B and the other standards set forth within the Ordinance.

3. **Subdividing of Lots or Parcels.** Existing Lots of record – whether nonconforming, conforming, and/or created through the combination of adjacent Lots – shall not be used, occupied, or sold in a manner which diminishes compliance with lot width or area requirements of Section 7.04.B nor shall any division be permitted which creates a Lot, parcel, unit, or tract of land with width or area less than Ordinance requirements for the LK-1 District. (See also Section 7.04.F).
- B. New Development.** Any Lot, parcel, or unit created within the LK-1 Zoning District through land division, subdivision, condominium, site condominium or similar procedures shall meet the following standards:
1. **Minimum Lot Area.** The minimum Lot area shall be 21,780 square feet.
 2. **Minimum Lot Width.** The minimum Lot width shall be 60 feet.
 3. **Lake Frontage.** Each new Lot, parcel, or Unit created shall have lake frontage and shall meet the minimum requirements for lot width at the water frontage (see Section 20.02.A).
 4. **LK-1 Standards.** All other standards for the LK-1 district shall apply.
 5. **Permitted Use.** Only one single family dwelling per Lot, parcel, or unit shall apply.
 6. **Yards and Setbacks.** Yards and Setbacks for new development shall conform to the standards in Section 7.04.C.
 7. **Combination of Lots.** New Lots or Parcels created through the combination of existing adjacent Lots, units or parcels, within the district that bring the resulting Lot, unit, or parcel closer to conformance with the requirements of this Ordinance section and reduce the density of the subject area shall not be considered “new development” for the purposes of the standards above.
 8. **Open Space Preservation Option.** Any new development created under the Cluster Development Option shall also satisfy the development standards of Article 8.00. Open space provided through such a development shall not be

used to provide public access to the water and shall comply with the standards set forth in Section 21.52 of this Ordinance.

C. Yards and Setbacks

- 1. Location and Width.** For waterfront Lots, parcels, or units, the rear yard and lot width shall be the lake side of the Lot and the setback shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and the setback shall be measured from the edge of the road right-of-way.
- 2. Yards without Water Frontage.** For existing Lots, parcels, or units without water frontage, the front and rear yards shall be designated as approved with the original development approval (as indicated in the approved subdivision plans, condominium plans, or land division plans). Where this cannot be determined, the designation shall be established using the standards set forth in the R-2 Zoning District. However, the minimum required setback distances shall remain as stated in this Article for the LK-1 District. The Zoning Administrator and/or Planning Commission shall review and establish these yards, particularly on corner and double-frontage Lots, to ensure they are compatible with existing adjacent development.
- 3. Accessory Structures.** Structures, except for structures provided for in Section 21.02.D., shall not obstruct the Sight Lines to the water of existing adjacent structures, inclusive of height obstructions. See Section 20.02.X, Section 20.02.Z. and Section 21.02.D

D. Site Plan Review. Site Plan review is required for any proposed land division, including site condominiums, and any development including lakeshore, wetlands, or stream-bank properties. Site plan review for stand alone single family structures not part of a condominium, site condominium or subdivision development shall be as set forth in Article 23.00 of this Ordinance.

E. Vehicle Trip Threshold. Any development that proposes to generate more than three hundred (300) vehicle trips per day as determined by the Planning Commission utilizing trip generation rates prepared by the Institute of Transportation Engineers is required to have frontage and direct access to an arterial or collector road.

F. Division or Splitting of Combined Platted Lots. As provided under state statute, the owner of two or more adjacent platted Lots which have been previously combined may split those Lots in such a way that they are returned to the original platted configuration. However, the resulting Lots shall become nonconforming

Lots of record if they do not meet the current LK-1 development standards for area, width, water frontage, or coverage, as set forth in Section 7.04.B. The failure to meet these standards shall result in the owner or developer being denied building or use permits until such time as the Lots are recombined to create one or more conforming Lots as required in Section 7.04.A.1.(c). It is the purpose of this section to prohibit development upon Lots created or reestablished by splitting previously combined platted Lots if those Lots do not meet the standards set forth in Section 7.04.B.

SECTION 7.05 COMMON USE ("KEYHOLE") RESTRICTIONS

See Section 21.52 for common use or "keyhole" regulations.

SECTION 7.06 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 8: OSP Open Space Preservation Option
- C. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- D. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site, etc.
- E. Article 23: Site Plan Review and Project Evaluation Report
- F. Article 24: Private Road and Shared Private Driveway Standards
- G. Article 26: Nonconformities
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25: Land Division Ordinance

REVISIONS:

- 2007 DECEMBER - 7.00 Intent (New); 7.01B; 7.02 A, A.1; 7.04, 7.04.A, 7.04.A.1, 2,3 (New); 7.04.B (New); 7.04.C (New), 7.04.D; 7.04.F (New)