

**KEELER TOWNSHIP
ORDINANCE #98-04
ANTI FUNNEL
KEELER TOWNSHIP BOARD OF TRUSTEES
ARTICLE NO. 4.14**

WHEREAS, in its deliberations leading to the adoption of this Ordinance, the Township Board has recognized and concluded that the use of water resources, including in inland lakes situated in the Township, should be considered within a framework of long term costs and benefits to the Township and that it is desirable to retain and maintain the physical, cultural and esthetic characteristics of lakes in the Township. Moreover, it has been recognized that, as the shorelines of lakes become further developed, the cumulative impact of water front usage from each respective property must be regulated in order to preserve and protect the rights of riparian owners, as well as the Township as a whole. It has been further recognized that the lack of regulation shall result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the Township, and shall further result in the destruction of property values and threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township. Accordingly it is the intent and purpose of the Township Board to adopt reasonable regulations for waterfront usage in the Township.

THEREFORE, the Township of Keeler Ordains:

THAT AMENDED ZONING ORDINANCE NO. 7 be, and the same is, amended by adding the following language:

Section 4.14.1 Regulation of Access to Bodies of Water: The following restrictions are intended to limit the number of users of lake, river or stream frontage in order to preserve the qualities of the waters, to promote safety, and to preserve the quality of recreation use of all waters in the Township.

A. There shall be at least eighty (80) feet of lake, river, or stream frontage as measured along the ordinary high water mark of the lake, river, or stream for each single family dwelling unit, or each site condominium unit, each dwelling unit, or each apartment unit utilizing or accessing the lake, river, or stream frontage.

B. The restrictions of this Section shall apply to all lots and parcels on, adjoining, or abutting any lake, river, or stream regardless of whether access to the lake, river, or stream waters or shoreline shall be easement, park, common-fee ownership, condominium arrangement, license or lease.

C. In addition to the above limitation, no easement, private park, common area, lot, or access property abutting or adjoining a lake, river, or stream shall be used to permit access to the lake, river, or stream for more than one single-family dwelling, one dwelling unit, one site condominium unit, one apartment unit or any other joint use unless such additional access use and common access arrangement is approved as a Special Exception Permit as provided for in Article V of the Amended Zoning Ordinance No. 7.

D. No lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake, river, or stream shall be utilized for commercial, business, commercial outdoor recreation or entertainment facilities, institutional or no-residential or non-agricultural uses or purposes unless the property is properly zoned (or re-zoned) for such uses or such use is granted a Special Exception Permit as provided for in Article V of the Amended Zoning Ordinance No. 7.

E. Any lawful use that becomes non-conforming due to the enactment of this Ordinance (or subsequent amendments thereof) and becomes non-conforming due to the regulations contained in this Section 4.14.1 shall retain its non-conforming use status.

F. Any dredging, filling of water areas, or creation of channels or canals shall be permitted only after review and approval of the Michigan Department of Environmental Quality, the Van Buren County Drain Commission, and the Keeler Township Board.

Section 4.14.2 Special Exception: If a riparian parcel is proposed to be used by persons other than the owner or occupant, and their immediate family and social invitees, for a park, beach, boat launch, picnic area or similar use for outdoor recreation, then in such even said use may be made of such riparian parcel only when permitted by the Township Planning Commission as a special exception as provided in the Zoning Ordinance.

Section 4.14.3 Special Exception Considerations: The Township Planning Commission shall take into consideration not only the criteria in Section 5.01 C of Amended Zoning Ordinance No. 7, but also, that the proposed use does not impaired the natural appearance of the said land or over-crowd the parcel or water surface to tend to produce unreasonable noise or annoyance to surrounding properties, that the proposed construction or use because of its intensive nature or proposed location, does not pose substantial environmental hazards, and that all other factors considered in light of the proposed use and the specific characteristics of the property and the surroundings are favorable towards the proposed use; and that no use shall be made of any land or water for boat liveries or public or commercial beaches or recreational use operated for a profit.

Section 4.14.4 Other Ordinances: This Ordinance shall not interfere with, abrogate, annul nor repeal any other law, ordinance, rule or regulation previously in effect regulation boat launching and/or usage on public property.

Section 4.14.5 Other Laws: This Ordinance is not intended to conflict with and/or preempt application of the Inland Lakes and Streams Act, but is intended to supplement such Act in a compatible manner so as to enhance water usage in a manner consistent with the public interest.

Published in the Herald Palladium on 12/08/1998.

CERTIFICATE

The undersigned, as the duly acting clerk of the Keeler Township Board, hereby certifies that this ordinance was duly adopted by the Keeler Township Board at a regular meeting of the board, at which a quorum was present, held on November 10, 1998, and that copies of the ordinance were transmitted and published as directed.

Carl F. Davis, Clerk

Motion by Davis 2nd by Canfield to adopt Ordinance #98-04. Roll call vote showed Davis, Canfield, & Kays voting in favor of the motion. Daly and Blackmond abstained. Motion Passed.

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