

SECTION 4.5 PERMITTED SETBACK ENCROACHMENTS (ALL ZONING DISTRICTS)

The following encroachments on required setback areas shall be permitted.

1. **Architectural Features.** Cornices, bay windows, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes and similar features may encroach upon a required setback no more than 5 feet. Cantilevered floor space is not included in the exemption and will be included in determining setbacks.
2. **Open Porches, Decks and Patios.** With the exception of the water side setback where no encroachment shall be permitted, unenclosed and unroofed porches, decks, and patios may be permitted to encroach upon another required setback a distance no more than 10 feet. *Also see Section 12.3.7*
3. **Waterside Setback.** Pump enclosures having a dimension no greater than 3 feet in height, 3 feet in width, and 3 feet in length and stairs not more than five (5) feet in width and stairway landings the same width as the stairway leading to the water shall be permitted to encroach upon a waterside setback.
4. **Exempt –**
 - a. Sidewalks, provided the extent of encroachment into the setback shall not exceed five (5) feet.
 - b. On a lot abutting a road right-of-way, paved, concrete, or otherwise improved driveways.
 - c. School bus stop shelters.

Lake Residential Zoning District Only Setback Encroachments

Buildings and Structures Within Waterside Setback. Except as provided in this section, no new or substantially remodeled buildings, principal or accessory uses, or structures, permanent or temporary, shall be erected within fifty (50) feet of the ordinary high water mark on any waterside lot. The following exceptions shall apply:

- a. Stairways not more than five (5) feet in width, stairway landings the same width as stairways, deck paths no wider than five (5) feet, and pump houses or enclosures not to exceed three (3) feet in height, three (3) feet in width, and three (3) feet in length shall be permitted within the rear or waterside yard, provided that such stairways, stairway landings and pump houses or enclosures shall comply with all required side yard setbacks.
- b. Waterside decks may be permitted to be located less than fifty (50) feet of the ordinary high water mark, under the following conditions:
 - 1) Such waterside deck shall be mounted on pillars or posts with the deck surface placed at an elevation of at least six (6) inches and not more than sixty (60) inches above the mean grade beneath such deck,
 - 2) Such waterside deck shall be located not less than fifteen feet from any side lot line.
 - 3) The maximum area of a waterside deck shall be three hundred (300) square feet.
 - 4) A waterside deck shall not have a roof or other permanent impervious surface. This section shall not be interpreted to prohibit roll-up canopies, umbrellas or other temporary shade-providing furnishings.
 - 5) A lot on which a new waterside deck is proposed shall include and retain in its natural state, one or more areas of native vegetation, including conifer and deciduous trees native to northern Michigan, scrub brush and native ground cover. Such area(s) shall extend at least thirty (30) feet inland from the ordinary high water mark and cover a combined area of at least fifteen hundred (1,500) square feet. On a parcel which does not include existing areas which can fulfill this requirement, the Zoning Administrator may approve a plan for a waterside deck where the applicant provides for such an area as part of a plot plan.
- 6) A proposed waterside deck shall not be constructed until a plot plan meeting the requirements of **Section 20.3**, has been submitted and a land use permit has been issued therefore by the Zoning Administrator, subject to **Section 20.2**.