

Article __

DRAFT Lake Michigan Shoreline Overlay District – Oct. 5, 2026

Based on well-established precedent in the laws of the State of Michigan, the State of Michigan enjoys a public trust doctrine that establishes a public trust interest in reasonable public access to and use of Great Lakes foreshore beaches and dunes lakeward of the ordinary high water mark and imposes a duty upon shoreland property owners not to modify their shoreland properties in such a way that would impose a nuisance upon the general public or neighboring shoreland property owners, which townships are empowered to prosecute and enjoin.

For ease of understanding, all definitions and rules promulgated under authority of Section 32312 of Act No. 451 of the Michigan Public Acts of 1994 as amended and put forth as Michigan Administrative Code R 281.21 and R 281.22, shall be in effect except where the Lake Michigan Shoreline Overlay District of Ganges Township (Overlay) differs and will take precedent.

Section __ Purpose and Intent

The Lake Michigan Shoreline Overlay District is established to minimize adverse effects of development impacting the unique physical, biological, economic and social attributes of the Lake Michigan shoreline.

- A. The economic and environmental well-being and health, safety, and general welfare of the Township is dependent on, and connected with the preservation of, its Lake Michigan shoreline areas.
- B. Future land development and redevelopment should be conducted with care to enhance those shoreline attributes.
- C. Pollution, impairment, or destruction of the shoreline of Lake Michigan should be prevented or minimized.
- D. Development constructed with proper respect for the dynamics of waves, erosion, and shifting sand will enhance the economic value and quality of life for those living along the lakeshore and visiting the public beaches.
- E. The Township should provide oversight for areas of the bluff and shoreline that fall between the jurisdictions of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), the U.S. Army Corps of Engineers, and Allegan County.

Section __ Location

The Overlay includes every parcel, including easements, that abuts Lake Michigan in Ganges Township and is applicable within the EGLE defined recession setback line.

Section __ Definitions

- A. Bluff Line – The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a sloping front inclining on the lakeward side.
- B. High Risk Erosion Area - Those shorelines receding at an average annual rate of one foot per year or greater over a minimum period of 15 years.
- C. Natural Angle of Repose – Steepest slope angle relative to a flat, horizontal plane that a pile of loose, granular material—like sand, gravel, or soil—can form without sliding or slumping.
- D. Ordinary High-Water Mark – The Ordinary High-Water Mark of Lake Michigan as defined by the State of Michigan under Part 325 of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994). It is an elevation above sea level as determined by the International Great Lakes Datum of 1955, as amended, which at the time of the adoption of this Ordinance was 580.5 feet.
- E. Readily Moveable Structure – A structure with a total first floor size less than 3,500 square feet which is designed, sited, and constructed to allow relocation.
- F. Shoreline Protection Structure – A man-made construction designed to prevent or mitigate erosion and other damage caused by waves, currents, and storm surges along coastlines.
- G. Toe of the Bluff - The lower point of an elevated segment of the shoreline where the average slope begins exceeding 18 percent.
- H. 30- and 60-year setback lines - determined by EGLE for the projected recession distance of the shoreline 30 years and 60 years into the future.
 - 1. 30-Year Setback: The minimum distance required if a structure is engineered and built to be readily movable.
 - 2. 60-Year Setback: The larger distance required for standard, permanent (non-movable) structures.

Section __ Setbacks, Walkways, Landings, Decks, Stairs

As described in Section 2.13 under Lot Lines, the Lake Michigan waterfront shall be considered the front lot line for all parcels abutting Lake Michigan, and the lot line farthest from Lake Michigan and/or those abutting streets shall be considered rear lot lines. All other lot lines shall be considered side lot lines. Side and rear setbacks will be the same as those permitted in the appropriate Zoning District. Where front setbacks in the Overlay differ from the general ordinance, Overlay setbacks shall prevail.

- A. The front setbacks permitted in the Lake Michigan Shoreline Overlay District are the same as those permitted in the underlying EGLE regulations, except that:
 - 1. Restoration of legally placed structures that are now non-conforming will be consistent with Michigan Administrative Code R 281.22 (15), except that structures may also be replaced in the event of total loss.
 - 2. Walkout basements are permitted, provided that they are no closer to the lake than the 30-year recession line.
 - 3. In ground pools are permitted, provided that they are no closer to the lake than the 60-year recession line.
- B. Elevated walkways, bluff stairs, decks or landings may be built between the bluff line and toe of the bluff.
- C. Elevated walkways, decks, bluff stairs or landings shall be maintained in good repair. Any elevated walkways, decks, bluff stairs, or landings that fail, are damaged, or abandoned must be repaired or removed at the landowner's expense within 12 months of such failure, damage, or abandonment.

Section __ Excavation, Earth Moving, Land Contouring

- A. Within the EGLE defined setback line, excavating, moving earth, amending or contouring is only allowed if:
 - 1. Constructing a building or structure that needs a permit.
 - 2. Removing dead, diseased or hazardous trees, or removing invasive species.
 - 3. Engaging in typical landscaping and gardening activities
 - 4. Placing small portable structures (e.g. garden shed, sauna, etc.)
- B. Filling or removing earth or other materials on the bluff to achieve a natural angle of repose and/or bluff restoration is subject to Section 14.6 of the Overlay.
- C. For the avoidance of doubt, the creation or development through or down the bluff of a driveway, ramp or similar means of access to the beach is not allowed except on a temporary basis for access to the beach for construction or maintenance of permitted shoreline protection and provided that the bluff is remediated and restored as part of the construction process.
- D. Natural surface water courses which provide drainage from or through a proposed site shall be maintained in a natural state.

Section __ Bluff Restoration

The Township believes that the restoration of the natural slope, dynamics and ecology of the area between the toe of the bluff and the bluff line is the preferred method (where reasonably viable) of protecting that property which is at risk of erosion.

For all parcels along the Lake Michigan lakefront, restoration of the bluff may take place subject to the following:

- A. Bluff restoration will only be allowed between 15 feet lakeward of the toe of the bluff and the EGLE setback line on the landward side.
- B. A professional engineer from the State of Michigan, associated with an engineering firm from the State of Michigan, who is familiar with the eastern shore of Lake Michigan shall certify that the restoration has been designed and will be constructed in accordance with these standards and best practices in a High-Risk Erosion Area.

Section __ Shoreline Protection

The installation, construction and operation of shoreline protection measures, including but not limited to, revetments, retaining walls, exposed riprap, and sandbags, are subject to the following:

- A. All shoreline protection must comply with EGLE and Army Corps of Engineers regulations if applicable and must receive EGLE and Army Corps permit approvals before commencement of the work.
- B. No shoreline protection structure shall extend any further towards Lake Michigan than 15 feet from the toe of the bluff.
- C. Completed shoreline protection, as well as the work of installing it, may not prevent unencumbered access for emergency vehicles, nor may it prevent the unencumbered public passage across the public trust property as defined by the State of Michigan.
- D. Temporary sandbags or geotextile tubes may be placed at the toe of the bluff to address an imminent emergency during periods of extreme high water and must be removed once the useful life of the sandbags or geotextile tubes exceed their useful life or the water level recedes below the Ordinary High-Water Mark, consistent with any applicable EGLE emergency permit requirements, of which one must be obtained.
- E. Riprap used for armoring purposes shall consist of limestone or other similar rocks at least 3 feet in diameter and shall be interlocked to prevent wave action from displacing. The use of recycled construction material and manmade materials (e.g. tires, rebar, etc.) is not allowed.

- F. Shoreline protection shall be maintained in good repair. Any shoreline protection that fails, is damaged, or is abandoned must be repaired or removed, at the landowner's expense, within 12 months of such failure, damage, or abandonment.
- G. All equipment associated with the construction of shoreline protection must be removed from the beach, bluff, and/or lot within 30 days of the completion of the project. If the project has time delays or timing gaps in the work that extend for more than 30 days, the equipment must be removed from the site until such time that it will be used again at the site.
- H. Temporary fencing not more than four feet (4') in height and with openly spaced slats or weaves, placed seasonally between October 1 and May 1 to influence the accumulation of sand and/or snow that does not prevent public passage across the public trust property as defined by the State of Michigan, is allowed.
- I. A professional engineer from the State of Michigan, associated with an engineering firm from the State of Michigan and who is familiar with the eastern shore of Lake Michigan, shall certify that the structure has been designed and will be constructed in accordance with these standards.
- J. To the extent of any conflict between the regulatory provisions contained in this section and other provisions of the zoning ordinance, the restrictions contained in this section shall control with respect to all lots that abut Lake Michigan.

Section __ Septic/Sewage Overflow

No development on or near this Overlay District shall ever discharge sewer, drainage, or product that is in any way a pollutant into the Lake Michigan shoreline waters.

Section __ Permits

- A. All construction activities within the Lake Michigan Overlay District require a zoning permit and building permit from Ganges Township.
- B. A grading plan signed and sealed by an engineer licensed in the State of Michigan and associated with an engineering firm licensed in the State of Michigan and who is familiar with the eastern shore of Lake Michigan shall accompany any building permit using best management practices for High-Risk Erosion Areas and the soil types in the Township.
- C. All other permits and approvals necessary from appropriate state and county agencies such as the State of Michigan, Army Corps of Engineers, Allegan County Drain Commission, Allegan County Health Department, and the Allegan County Road Commission shall be obtained prior to commencement of work.

- D. The standards and requirements of this Article are subject to the variance procedures set forth in Article 20, Zoning Board of Appeals, of the Township Zoning Ordinance.