

Memorandum

TO: Quincy Joint Planning Commission
FROM: Christopher Khorey, AICP
SUBJECT: Keyholing
DATE: July 16, 2019

As requested, following is proposed language to address the potential problem of “keyholing” – i.e. allowing a large number of parcels or housing units access to a body of water via a very small waterfront parcel. This draft Ordinance has been substantially revised after the most recent JPC meeting.

We recommend that this text be placed in a new Section 5.209 of the Township Zoning Ordinance. It could also be placed in the Village zoning ordinance.

Section 5.209 Water Access

A. Purpose and Intent

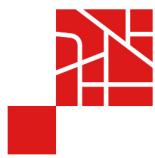
The intent of this section is to prevent the overuse of navigable waterways through regulations on access to those waterways from private property.

B. Definitions

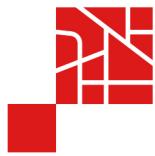
For the purposes of this Section (Section 5.209) ONLY, the following terms shall be have the following meaning:

1. **Access:** The ability to build a dock and moor boats in a particular navigable waterway.
2. **Navigable Waterway:** A naturally occurring body of water that contains water year round, and is deep enough for outboard motorized craft to operate upon with their engines in the water.
3. **Keyhole:** A common use riparian lot (including common elements in a condominium) which, by private agreement, grants water access to one or more lots that do not otherwise have access to the water, including lots and/or private agreements that existed prior to the adoption of this Ordinance.
4. **Marina:** A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests.

C. Permitted Number of Docks



1. **Single Waterfront Lot.** A single waterfront lot shall be permitted one dock per 50 feet of width along the water frontage. The dock may be designed to hold no more than one boat per 25 feet of width along the waterfrontage. Marinas with an approved Special Use permit shall be exempt from this standard.
2. **One Lot Keyhole.** A keyhole granting access to only one inland lot shall be permitted. However, the keyhole lot must be smaller than the inland lot, and must be either adjacent to the inland lot, across a public or private road from the inland lot, or connected to the inland lot by an easement. The keyhole lot shall be treated as a Single Waterfront Lot for the purposes of the number of permitted docks and boats.
3. **Multi-Lot Keyhole.** Keyholes granting access to more than one inland lot shall be prohibited.
4. **Marinas:** Marinas may be approved for a Special Use permit, either as the principal use of property, or accessory to a campground or other principal use deemed appropriate by the Planning Commission. Marinas are subject to the following regulations:
 - a. All dredging, construction or development shall be subject to the requirements of all applicable Quincy Township, County, State and Federal laws, regulations and requirements.
 - b. The flushing or discharge of boat toilets, discarding of waste or refuse from boats in marinas is prohibited. Facilities shall be provided at the marina for disposal of refuse from boating holding tanks in a sanitary manner.
 - c. The general design, layout and locations of uses and support systems shall be developed in a manner which will enhance the waterfront property and the natural environment. Sufficient greenbelt (minimum 75 feet) shall be maintained between the shores edge and any marina development. The 75 foot greenbelt may be penetrated with pedestrian walks, etc. within the intent of this Section. The Planning Commission may approve alternatives as it deems necessary to accommodate peculiar circumstances or unforeseen problems to carry out the spirit and intent of this Section of the Article - maintenance of open space as the predominant waterfront character.
 - d. All marina facilities shall conform to all applicable Quincy Township, County, State and Federal Fire Codes and Standards. All structures and items which could require fire protection shall be readily accessible by fire and emergency vehicles.
 - e. The Planning Commission may require the entire site or portions thereof to be fenced. Said fencing shall be six (6) feet in height.
 - f. Storage locations for boats shall be clearly delineated on the site plan. Access drives between boat storage spaces must meet the dimensional requirements of this Ordinance.
 - g. All boats stored or docked at a marina must have current registration through the State of Michigan.



D. Improvements to Keyholes

The improvement of a Keyhole, including the construction of any structure, boat dock, parking, landscaping, or fencing, shall require special use approval. In addition to the general special use criteria, the following criteria must be met in order for the improvement to be approved.

1. Views of the water from adjacent properties shall not be impacted. The placement of an otherwise permitted boat dock or fishing pier in the water shall not be considered impacting a water view.
2. Stormwater runoff into the body of water shall not be increased due to the proposed improvement.
3. Active recreational facilities, such as playgrounds, fishing piers, picnic tables, and grills, shall only be approved if they will not impact the quiet enjoyment of the water by the nearest residential neighbors. Fencing and landscaping shall be provided as necessary to separate the Keyhole from adjacent residential properties. The fencing and landscaping shall not impact the views of the water from the adjacent residential property.
4. Boat docks shall not have a capacity greater than one boat per housing unit that has water access from the Keyhole.
5. Adequate off-street parking must be provided for the proposed uses of the Keyhole. The number of spaces deemed "adequate" shall be determined based on the proposed facilities in the lot, the number of housing units that take access from the lot, and the distance between the Keyhole and the lots that take access from it.