

Lake Orion – Lake Overcrowding

Lake Orion Lake Association (LOLA)

April 5, 2023

Lake Orion Chat Room – Tuesday March 21, 2023

<  **Lake Orion Chat Room...** ⋮
Lori Lewek Millbauer · 36m · 

Hi, I am looking for someone who is interested in temporarily renting their boat slip to us, on Lake Orion. I am aware you're not "supposed" to, but people do. I would prefer to pay someone in the community, who needs it, rather than the marina. We have already been on the lake for the last 10 years, but lost our slip to redevelopment. We are a quite family, we don't have loud groups or a lot of cars coming with us. Thank you!

 Like  Comment  Send

 1

Top comments ▾



Cheryl Redden
Message me I have someone

32m Like Reply

1 



Teresa Gray
Pm me, I can pass some info along.

15m Like Reply







Issue and Concerns

- Issue:
 - Lake Orion has an area of approximately 740 acres
 - There are over 800 private lakefront residences around the lake
 - There are multiple permitted marinas on the lake
 - There is a DNR public access ramp with 34 available parking spaces
- On any given summer weekend or holiday, the lake is overcrowded with watercraft traffic and becomes a serious water safety concern
- There are a number of individual lakefront residents who choose to rent seasonal boat slips contributing to the overcrowding and safety concerns

Issue and Concerns

- Current situation:
 - To legally rent a boat slip on a Michigan lake, the resident is required to apply and get approval for a marina through the Michigan Department of EGLE.
 - Although there is a process to report suspected boat slip rental to the State, the DNR/EGLE does not have the resources to investigate and handle violations.
 - The Village defines a marina as public or private and provides watercraft services in exchange for remuneration. It is difficult/impossible to prove remuneration.
 - The Village requires a marina to secure the required permit from the State.
 - The Village prohibits commercial use of boat houses and hoist; however docks are not included in this verbiage.
 - The Village requires current watercraft registration to the owner or occupant of the lot, but this is specific to storage.

Proposal for Improvement

- **Proposal for improvement:**

- Update the definition of Marina to “with or without” renumeration.
- Update Article 13.11 D Boat Houses and Boat Hoists to include Docks and “RL zoning lot” description.
- Update Article 13.11 D
 - Add “RL zoning lot” to paragraph 3 to be consistent with paragraphs 1 and 2.
 - Eliminate paragraph 3.d “May not be used for commercial purposes”.
 - Add Paragraph 4 “May not be used for commercial purposes”. This will now include boat houses, boat hoists, and docks.
 - Add Paragraph 5 to require current watercraft registration to the owner/occupant of the lot similar to verbiage under Watercraft Storage.

Village of Lake Orion – Zoning Ordinance Proposal for Improvement

Article 2.02 - Definitions

MARINA. A public or private facility which adjoins an inland lake or stream and offers service for docking, loading or other servicing of watercraft in exchange for remuneration.



MARINA. A public or private facility which adjoins an inland lake or stream and offers service for docking, loading or other servicing of watercraft **with or without** remuneration.

Village of Lake Orion – Zoning Ordinance Proposal for Improvement

Article 13 General Provisions Section 13.11 D – Boat Houses and Boat Hoists

D. Boat Houses and Boat Hoists



D. Boat Houses, Boat Hoists, and Docks (RL zoning lot)

3. One (1) single boat house or one (1) permanent boat hoist larger than eight (8) feet in height or capable of hoisting more than one (1) boat at a time, and a seasonal boat hoist(s), may be permitted per **RL zoning** lot. The boat house or boat hoist:

~~d. May not be used for commercial purposes;~~

4. **May not be used for commercial purposes. (RL zoning lot)**
5. **All watercraft on a hoist or docked at a residential (RL zoning) lot for (5) consecutive days or more shall be currently registered to the owner or occupant of that lot.**

Where Do We Go From Here?

- **Next Steps & Discussion:**

- Would these changes enable enforcement of the State laws?
- What options are available at the State, Township, and Village levels to investigate and enforce these ordinance revisions?
- Are there similar changes that could be (or should be) made in the Township Ordinances?
- Do we have the resources available (State, Township, and Village) to investigate and enforce?

Proposed Changes to the Village Ordinances

LOT, ZONING. See ZONING LOT

MAJOR THOROUGHFARE. See STREET

MANAGER. The Village Manager of the Village of Lake Orion.

MANUFACTURED HOUSING. See DWELLING, MANUFACTURED

MARINA. A public or private facility which adjoins an inland lake or stream and offers service for docking, loading or other servicing of watercraft in exchange for remuneration.

MEZZANINE. See STORY, MEZZANINE

MOBILE HOME OR HOUSE TRAILER. See DWELLING, MOBILE HOME

MOBILE HOME PARK OR TRAILER PARK. A parcel or tract of land under the control of a person upon which mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and the Mobile Home Commission Act, Public Act 87 of 1987, as amended.

MOTEL. See HOTEL

MOTOR VEHICLE. A self-propelled vehicle designed, intended or used for the transportation of persons and/or property.

MOTOR VEHICLE REPAIR. The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting, but not including undercoating of automobiles unless conducted in a completely enclosed spray booth.

MOTOR VEHICLE WASH ESTABLISHMENT. A building, or portion thereof, that is designed or used for the purpose of washing motor vehicles.

MORTUARY ESTABLISHMENT. See FUNERAL HOME

NATURAL FEATURES. Soils, wetlands, floodplains, water bodies, topography, vegetative cover, and geologic formations.

NET ACRE/ACREAGE. The area of a lot within its property lines or other designated area to be measured under this Ordinance that is calculated by deducting from its gross acreage, areas occupied or proposed for features or improvements that are to be excluded by one or more provisions of this Ordinance.

MARINA. A public or private facility which adjoins an inland lake or stream and offers service for docking, loading or other servicing of watercraft **with or without** remuneration.

Setback From	Minimum Setback
Front lot line (RV only)	Behind front building line of house
Side lot line	3 ft.
Side street lot line	10 ft.
Rear lot line	3 ft.
Water lot line	25 ft.

4. Except as provided below, where any lot in a zoning district abuts or is traversed by a navigable lake or stream, no accessory building or structure shall be erected within 25 feet of the edge of said navigable lake or stream, except as permitted by Section 13.11.C., below.
5. In the case of a double frontage lot, accessory buildings and structures shall observe front yard requirements on both street frontages.
6. All accessory buildings and structures shall comply with setback and fire rating requirements in the Building and Fire codes.

C. Permitted Encroachments

Accessory structures such as patios and decks raised not more than eight (8) inches above the surrounding grade shall be permitted to encroach into a required rear or waterfront setback area.

D. Boat Houses and Boat Hoists

1. Seasonal boat hoist(s) are permitted on an RL zoning lot. A building permit is not required for a seasonal boat hoist.
2. One (1) permanent boat hoist no greater than eight (8) feet in height with a one-boat capacity is permitted on an RL zoning lot, provided all state and federal permits and a zoning compliance or building permit are obtained. The height of the hoist is measured as the distance above the ordinary high water mark.
3. One (1) single boat house or one (1) permanent boat hoist larger than eight (8) feet in height or capable of hoisting more than one (1) boat at a time, and a seasonal boat hoist(s), may be permitted per lot. The boat house or boat hoist:
 - a. May not be greater than 14 feet in height at the peak of its roof. Height is measured as the distance above the ordinary high water mark.
 - b. May not contain any plumbing facilities except for hot and cold running water.

Boat Houses, Boat Hoists, and Docks (RL zoning lot)

1. Seasonal boat hoist(s) are permitted on an RL zoning lot. A building permit is not required for a seasonal boat hoist.
2. One (1) permanent boat hoist no greater than eight (8) feet in height with a one-boat capacity is permitted on an RL zoning lot, provided all state and federal permits and a zoning compliance or building permit are obtained. The height of the hoist is measured as the distance above the ordinary high water mark.
3. One (1) single boat house or one (1) permanent boat hoist larger than eight (8) feet in height or capable of hoisting more than one (1) boat at a time, and a seasonal boat hoist(s), may be permitted per **RL zoning** lot. The boat house or boat hoist:
 - a. May not be greater than 14 feet in height at the peak of its roof. Height is measured as the distance above the ordinary high water mark.
 - b. May not contain any plumbing facilities except for hot and cold running water.

- c. May not be used for either temporary or permanent sleeping or living quarters;
- d. May not be used for commercial purposes;
- e. May not be greater than 480 square feet in water surface area;
- f. May not be located closer than five (5) feet to the nearest side lot line, or extension of that line into the water and is not subject to waterfront yard setback requirements.
- g. Must not unreasonably impair the view and use of the lake by neighboring property owners;
- h. Must be constructed in compliance with a zoning compliance or building permit and state and federal permit requirements, including, but not limited to, those administered pursuant to the Inland Lakes and Streams Act, P.A. 346 of 1972, as amended.

E. Accessory Mechanical Units

1. Single Family Residential. Freestanding heating, ventilation, standby generators, and air conditioning equipment may be located in any yard other than the required front yard of the principal structure, subject to the following requirements (window-mounted room air-conditioners are exempt from these requirements):
 - a. Placement of accessory mechanical equipment shall not be permitted within 10 feet of a window on an adjacent dwelling.
 - b. Accessory mechanical equipment shall be screened in a manner which will reduce the noise output of the unit and to shield the equipment from view of any road, adjacent residence, or the Lake. The maximum noise output from any such unit shall not exceed 55 decibels, measured at a distance of ten (10) feet from the unit.
2. Non-Single Family Residential. Freestanding, roof or building mounted equipment (including air conditioning units, transformers, generators and similar) for all non-single family residential buildings and uses, and those on sites zoned non-single family residential districts shall be located in accordance with the following:
 - a. *Front Yards*. Equipment shall not be located in a front yard except the Planning Commission may permit equipment to be located in the front yard upon finding that such location will meet the spirit and intent of the zoning district in which the building is located provided such equipment is not located closer than ten (10) feet from an adjacent residential dwelling or district.

c. May not be used for either temporary or permanent sleeping or living quarters;

~~d. May not be used for commercial purposes;~~

e. May not be greater than 480 square feet in water surface area;

f. May not be located closer than five (5) feet to the nearest side lot line, or extension of that line into the water and is not subject to waterfront yard setback requirements.

g. Must not unreasonably impair the view and use of the lake by neighboring property owners;

h. Must be constructed in compliance with a zoning compliance or building permit and state and federal permit requirements, including, but not limited to, those administered pursuant to the Inland Lakes and Streams Act, P.A. 346 of 1972, as amended.

4. May not be used for commercial purposes. (RL zoning lot)

5. All watercraft on a hoist or docked at a residential (RL zoning) lot for (5) consecutive days or more shall be currently registered to the owner or occupant of that lot.

Current Relevant Village Ordinances

Village of Lake Orion – Zoning Ordinance

Article 2.02 - Definitions

MARINA. A public or private facility which adjoins an inland lake or stream and offers service for docking, loading or other servicing of watercraft in exchange for remuneration.

Article 9-B MU District Section 9.02 – PERMITTED USES

Marinas, boat liveries and boat docks subject to the following requirements:

- a. Docking space shall be limited to a maximum of one (1) boat per 15 feet of lake frontage.
- b. The Commission may require landscaping, of immediate effect, including evergreens or similar plant material not less than eight (8) feet in height to mitigate potential negative visual impacts on adjacent properties.

Village of Lake Orion – Zoning Ordinance

Article 9-B MU District Section 9.02 – PERMITTED USES

- c. A minimum of one parking space shall be provided for each slip or mooring space. Additional parking space lengths to accommodate boat trailers and related equipment shall be provided for marinas with a boat launch.
- d. Repair of dismantled equipment including, but not limited to boats and motors, and storage of boats, boat parts, racks, lumber, and marine related equipment must be in a completely enclosed building when not in water.
- e. Hours of operation may be limited by the Planning Commission to avoid negative impacts of noise and glare, if the use is located adjacent to residentially zoned property.
- f. A permit to establish, maintain or operate a marina shall be secured from the Michigan Department of Environmental Quality, in conjunction with any approval.

Village of Lake Orion – Zoning Ordinance

Article 13 General Provisions Section 13.11 D – Boat Houses and Boat Hoists

Boat Houses and Boat Hoists

1. Seasonal boat hoist(s) are permitted on an RL zoning lot. A building permit is not required for a seasonal boat hoist.
2. One (1) permanent boat hoist no greater than eight (8) feet in height with a one-boat capacity is permitted on an RL zoning lot, provided all state and federal permits and a zoning compliance or building permit are obtained. The height of the hoist is measured as the distance above the ordinary high water mark.
3. One (1) single boat house or one (1) permanent boat hoist larger than eight (8) feet in height or capable of hoisting more than one (1) boat at a time, and a seasonal boat hoist(s), may be permitted per lot. The boat house or boat hoist:
 - a. May not be greater than 14 feet in height at the peak of its roof. Height is measured as the distance above the ordinary high water mark.

Village of Lake Orion – Zoning Ordinance

Article 13 General Provisions Section 13.11 D – Boat Houses and Boat Hoists

Boat Houses and Boat Hoists

- b. May not contain any plumbing facilities except for hot and cold running water.
- c. May not be used for either temporary or permanent sleeping or living quarters;
- d. May not be used for commercial purposes;
- e. May not be greater than 480 square feet in water surface area;
- f. May not be located closer than five (5) feet to the nearest side lot line, or extension of that line into the water and is not subject to waterfront yard setback requirements.

Village of Lake Orion – Zoning Ordinance

Article 13 General Provisions Section 13.11 D – Boat Houses and Boat Hoists

Boat Houses and Boat Hoists

- g. Must not unreasonably impair the view and use of the lake by neighboring property owners;
- h. Must be constructed in compliance with a zoning compliance or building permit and state and federal permit requirements, including, but not limited to, those administered pursuant to the Inland Lakes and Streams Act, P.A. 346 of 1972, as amended.

Village of Lake Orion – Zoning Ordinance

Article 13 General Provisions Section 13.17 B.1 – Parking and Storage of Watercraft

Section 13.17 - PARKING AND STORAGE OF MOBILE HOMES, TRAVEL TRAILERS, MOTOR HOMES, WATERCRAFT, VESSELS, TRUCKS AND OTHER ITEMS

Mobile homes, travel trailers, motor homes, boats, watercraft and other vessels, vessel trailers, trucks, and other similar items shall be subject to the following requirements:

- B. 1. No more than one (1) travel trailer or one (1) motor home, and up to two (2) other recreational vehicles as defined in this Ordinance (excluding watercraft and vessel trailers) may be parked or stored outdoors on any lot that is zoned or used for residential purposes. Permitted outdoor parking or storage of all recreational vehicles shall be only in the rear yard, except in the RL District where they shall be permitted only in the street front yard. All watercraft, vessel trailers and recreational vehicles stored on a residential lot shall be currently registered to the owner or occupant of that lot.

Village of Lake Orion – Zoning Ordinance

Article 13 General Provisions Section 13.11 D – Boat Houses and Boat Hoists

Boat Houses and Boat Hoists

- g. Must not unreasonably impair the view and use of the lake by neighboring property owners;
- h. Must be constructed in compliance with a zoning compliance or building permit and state and federal permit requirements, including, but not limited to, those administered pursuant to the Inland Lakes and Streams Act, P.A. 346 of 1972, as amended.

Additional Information

LOLA Survey Monkey – April 2023

Propose Questions – Survey Monkey Regarding Lake Overcrowding and Dock Rental

- Do you believe we have a boat/watercraft overcrowding issue on Lake Orion?
 - Do you believe the DNR Launch Ramp is adequately controlled to the available 34 car/trailer parking spaces?
 - There are lake residents who are renting dock space on a seasonal basis to non-residents increasing the overall number of boats on the lake. Are you aware this is illegal per Michigan law without a marina permit from the DNR?
 - Do you believe this is being adequately enforced currently?
 - Would you support LOLA (Lake Orion Lake Association) working with the DNR, Oakland County Sheriff, Orion Township, and the Orion Village to increase enforcement avenues to reduce this practice? (increased resources to investigate and enforce, added ordinances at the township and village level to prevent this practice)
 - Would you be willing to pay for the additional enforcement through LOLA dues?
 - Would you be willing to pay for the additional enforcement through a tax increase or special assessment?
 - Please provide any suggestions you might have regarding lake overcrowding. _____
-



Oct 2022

Use of Private Property for Dock Rentals / Lake Overcrowding

Dock Rentals – Rental of dock space or allowing use of dock space. By individuals not an owner of the property

1. Is it legal?

- Individuals renting their dock space without a permit issued by the DNR are in violation of Michigan law
- Extended use of dock space by friends and relatives requires a DNR permit
- In short, any boat moored to a dock for extended period needs to be registered to the property owner

The Law – Michigan Law, subsection 30101(j) of Part 301: "Marina" means a facility that is owned or operated by a person, extends into or over an inland lake or stream and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft

If ticketed, it is a misdemeanor and punishable by ninety days in jail.

2. Can They be fined?

Individuals could be fined \$500.00 by the DNR for an illegal marina

3. Are there liable concerns for personal injury or property damage?

Individuals renting or allowing use of their docks by others should check with their homeowner's insurance to determine individual liability exposure

Lake Overcrowding

- Overcrowding on Lake Orion is a critical concern for lake residents
- Overcrowding also is a concern for boating safety
- Individuals illegally renting dock space or those allowing use of their dock space by others are a major contributor to lake overcrowding
- Boating safety should be a concern for all lake residents

Reporting Violators

- File a formal complaint online at: <https://www2.dnr.state.mi.us/ORS/Survey/33>
- Call **517-284-6000**