

1 **Cass County Ordinance 2005-03**
2 **Adopted on First Reading September 6, 2005**
3 **Second Reading & Adoption Scheduled for October 4, 2005**
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5 **1113.4 WATER ACCESS LOTS AND ACCESS EASEMENTS.**
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7 To manage water surface crowding, to reduce fish and wildlife disturbance, to prevent pollution of surface
8 water by suspension of sediment, to maintain property values, and to maintain natural characteristics of
9 shorelands, shoreland controls must regulate access to public waters.
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11 A. Alternative lake access lots, or parcels of land intended or used to provide accesses to public
12 waters for owners of riparian lots within subdivisions, shall be allowed where direct riparian access
13 is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or
14 wildlife habitat. Access lots shall not be allowed where it is intended to provide riparian access for
15 owners of nonriparian lots or parcels. Where allowed by local governments, alternative lake
16 access lots shall meet or exceed the following standards:
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- 18 1. All alternative lake access lots shall be governed by a covenant recorded on the title of every
19 lot or parcel of land allowed to use the access lot. These access lots shall also comply with all
20 of the dimensional standards in section 1113.1 of this ordinance. Where more than six lots are
21 served, the width and area of the alternative lake access lot shall be increased by 25 percent
22 for each additional lot in excess of six served.
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- 24 2. Alternative lake access lots must be jointly owned by all of those purchasers of riparian lots
25 having rights of usage of the access lot.
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- 27 3. Alternative lake access lots shall be suitable in its natural state for the intended activities. All
28 facilities shall be centralized and located in areas suitable for them. Evaluation of suitability
29 shall include consideration of land slope, lake or river water depth, aquatic and shoreland
30 vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater, or
31 other relevant factors.
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- 33 4. Permitted activities may include watercraft launching, loading, beaching, mooring, or docking
34 area, but shall not include residential or commercial uses. A single dock and boat launching
35 ramp may be permitted and no owner shall own or use an individual dock. Boating facilities
36 must be located adjacent to the deepest water available. Continuous boat mooring shall be
37 limited to one watercraft per lot served, and that space shall not be allowed to be rented out.
38 These access lots may include other outdoor recreational activities that do not conflict with
39 general public use of the public water or the enjoyment of normal property rights by adjacent
40 property owners. Examples of such activities include swimming, sunbathing, or picnicking.
41 Covenants governing alternative lake access lots shall limit the total number of vehicles allowed
42 to be parked, and must require centralization of all common facilities and activities in the most
43 suitable locations on the lot to minimize topographic and vegetation alterations. All parking
44 areas, storage buildings, and other facilities shall be screened by vegetation or topography as
45 much as practical from view from the public water, assuming summer, leaf-on conditions.
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- 47 5. Alternative lake access lots shall meet or exceed the shoreline buffer standards in section
48 1123 and the vegetative alteration standards in section 1128 and have a vegetation
49 management plan approved by the Department.
50
- 51 6. The impervious surface coverage for alternative lake access lots must not exceed 12 percent
52 of lot area, and stormwater management must meet the standards in section 1125.
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- 1 B. Controlled access lots, or parcels of land intended or used to provide accesses to public waters
- 2 for owners of nonriparian lots, shall be prohibited.
- 3
- 4 C. Easement access. Easements to nonriparian lot owners to allow access to public waters shall
- 5 be prohibited.