



Memorandum

TO: Village of Lake Orion Planning Commission
FROM: Jake VanBoxel, MSA, Principal Planner
Sommer Nafal, NCI, Assistant Planner
SUBJECT: **Waterfront Established Front Setbacks (EFS)**
DATE: November 2, 2026

BACKGROUND

Due to recent requests from residents, the Village Council has directed the Lake Orion Planning Commission to review and consider reinstating an Established Front Setback (EFS) for waterfront residential properties. The request appears to stem from concerns that the current fixed waterfront setback requirements do not adequately reflect the historic development pattern along Lake Orion's shoreline. We have conducted an initial review of the current regulations, along with how EFS is regulated in the RV – Village Single Family Residential District.

ESTABLISHED FRONT SETBACK LINE

The ordinance distinguishes between the RL (Lake Single Family Residential) District and the RV (Village Single Family Residential) District with respect to front yard setback requirements.

The ordinance contains provisions for an Established Front Setback Line (EFS); however, those provisions are expressly limited to the RV District. Within that district, the required front yard setback is identified as 25 feet or the Established Front Setback Line, whichever is less. The EFS is calculated based upon the setback (development) pattern of existing homes on neighboring properties.

The use of an Established Front Setback Line is not currently identified for waterfront lots within the RL District.

Based on the ordinance language, waterfront residential properties zoned RL are required to comply with the fixed setback standards established by the ordinance.

Specifically, the required setbacks for principal buildings include:

Front (street) yard:	25 feet
Waterfront yard:	25 feet
Side yard:	5 feet
Rear yard:	25 feet

Accordingly, the location of neighboring homes does not create an alternative or average front yard setback for these properties. The principal dwelling must maintain the prescribed 25-foot street setback and 25-foot waterfront setback regardless of adjacent development patterns.



HISTORICAL DEVELOPMENT PATTERN

A unique characteristic of the RL District is that many of the waterfront homes were constructed decades before adoption of the current zoning ordinance and, in some cases, before any local zoning regulations existed. As a result, numerous homes were established based upon shoreline development patterns, parcel configurations, and construction practices that predate modern setback standards.

Consequently, existing homes along the lakefront frequently exhibit varying waterfront setbacks, with some structures located significantly closer to the water than would be permitted under current regulations. These homes remain lawful because they were legally established prior to the current standards or otherwise possess lawful nonconforming status.

PLANNING CONSIDERATIONS

The request to reestablish an EFS provision raises several planning and zoning policy considerations. The Planning Commission is charged with determining the policy choice between maintaining the current fixed waterfront setback standard and allowing a degree of flexibility that recognizes the historic character and development pattern of existing lakefront neighborhoods.

Arguments Supporting an EFS Provision

- Recognize the historic development pattern along the shoreline.
- Allow new construction, additions, and redevelopment projects to align more closely with neighboring homes.
- Reduce situations where a newly constructed dwelling appears substantially recessed compared to adjacent residences.
- Provide flexibility for redevelopment of older lakefront properties where compliance with modern setbacks may be difficult due to lot size, shape, or existing site constraints.
- Potentially reduce the need for dimensional variance requests before the Zoning Board of Appeals.

Arguments Against an EFS Provision

- Increase development closer to the shoreline than currently permitted.
- Reduce the effectiveness of setback requirements intended to preserve open space, views, drainage, and environmental functions near the water's edge.
- Create administrative complexity regarding how neighboring structures are selected and how averaging calculations are performed.
- Lead to incremental encroachment toward the lake over time if not carefully drafted.
- Create inconsistencies between recently developed conforming properties and future redevelopment projects.

POTENTIAL APPROACHES

Should the Village wish to evaluate an EFS provision, there are several options the Planning Commission could consider:



1. Maintain Current Standards

Retain the existing fixed 25-foot waterfront setback requirement and continue addressing hardship situations through the Board of Zoning Appeals (variance) process.

2. Limited Waterfront Setback Averaging

Permit averaging only when adjacent principal structures are located closer to the lake than the setback requirements of the ordinance.

3. Hybrid Standard

Establish a minimum waterfront setback floor while allowing limited averaging. For example, require compliance with the established waterfront setback line but prohibit construction closer than a specified minimum distance from the ordinary high-water mark.

4. Redevelopment-Only Provision

Allow EFS calculations only when replacing or substantially reconstructing existing homes on developed waterfront lots.

CONCLUSION

At this time, the Planning Commission should discuss whether the current fixed waterfront setback requirements continue to achieve the Village's long-term planning objectives or whether an EFS provision would more appropriately recognize the established shoreline development pattern while maintaining reasonable protections for the lakefront.

Should the Commission determine that additional flexibility may be warranted, it should provide direction regarding the preferred approach, including whether any averaging methodology should be based on adjacent structures, a broader neighborhood analysis, or a hybrid model incorporating minimum setback requirements.