

Date: 09-Aug-2016
To: Planning Commissioners
From: Rob Mitzel
Pages: 1

RE: August 2016 Packet – Regular Meeting

Your packet contains eight items:

1. This memo
2. Agenda
3. 07-20-16 Draft Minutes
4. Draft Public Hearing Notice for Dexter Area Fire Department Webster Township Fire Station
5. Draft Revisions to Surface Water Overlay Zone for Natural River Districts
6. NRD samples from neighboring communities
7. State provisions for the NRD

Notes for the Meeting:

- Mr. Herron has not submitted any additional material since our last meeting and based upon the motion, the item to set the public hearing date is remains tabled until the Zoning Administrator informs us that the application is complete and ready to set a hearing date.
- Natural River District (NRD): Kris Olsson sent me additional information. She provided samples from the neighboring communities, a list of state provisions showing the ones we need to include in our ordinance, and a marked-up copy of our surface water overlay showing changes we can make to incorporate the NRD requirements. She is also seeking feedback from the state to verify which items are necessary in our ordinance to allow them to sign-off for local administration of the NRD provisions.
- If we make enough progress on the Natural River District amendments, then I suggest that we target an October public hearing for it and the road definition amendments to the Zoning Ordinance.



Webster Township Planning Commission

August 17, 2016 7:00 PM

Webster Township Hall
5665 Webster Church Road
Dexter, Michigan 48130

Agenda

1. Call to Order
2. Roll Call: George Goodman, Rob Mitzel; Erica Perry; John Westman; Wilber Woods; Paul Zalucha; Cynthia Zuccaro
3. Approval of Agenda
4. Approval of Minutes for July 20, 2016 Regular Meeting
5. Citizens Wishing To Address the Commission
6. Township Board Report
7. Zoning Administrator Report
8. Action Items
 - (a) Set Public Hearing Date for Dexter Area Fire Department Webster Township Fire Station
9. Discussion Items
 - (a) Natural River District Regulations
10. Citizens Wishing To Address the Commission
11. Informational Items / Correspondence
12. Adjournment

**WEBSTER TOWNSHIP
PUBLIC HEARING NOTICE**

**SITE PLAN REVIEW for
Fire Station
At 5665 Webster Church Road**

The Webster Township Planning Commission will hold a Public Hearing on Wednesday, September 21, 2016, at 7:00 p.m. at the Webster Township Hall, 5665 Webster Church Road, Dexter, MI, to consider the site plan review application of Dexter Area Fire Department which proposes construction of Fire Station at 5665 Webster Church Road, Dexter, MI, 48130.

The application and plans for the Fire Station are available for public inspection at the Township Hall during normal business hours (Monday – Thursday, 8:00 a.m. to 4:00 p.m.).

Verbal comments may be heard at the hearing and any written comments must be received by the Planning Commission, 5665 Webster Church Road, Dexter, MI 48130 by 4:00 p.m., Wednesday, September 21, 2016.

Those with disabilities must notify the Township Clerk no less than seven (7) days prior to the meeting so that accommodations may be furnished to satisfy their disability and allow for meaningful attendance.

Rob Mitzel
Webster Township Planning Commission Chairman
Posted: xx
Published: xx

Suggested changes to Webster's ordinance to comply with Natural Rivers Program:

Section 16.20 Surface Water Protection Overlay District

A. Purpose and Intent. Buffers adjacent to stream systems and shore areas provide numerous environmental protection and resource management benefits that can include the following:

- 1) Restoring and maintaining the chemical, physical and biological integrity of the water resources;
- 2) Removing pollutants delivered in urban storm water;
- 3) Reducing erosion and controlling sedimentation;
- 4) Stabilizing stream banks;
- 5) Providing infiltration of storm water runoff;
- 6) Maintaining base flow of streams;
- 7) Contributing the organic matter that is a source of food and energy for the aquatic ecosystem;
- 8) Providing tree canopy to shade streams and promote desirable aquatic organisms; and
- 9) Providing riparian wildlife habitat.

The purpose of the Surface Water Protection Overlay District is to preserve and enhance the environmental, ecological and aesthetic values of the lakes, rivers and streams in Webster Township. Rivers, lakes and streams are a vital component of the hydrologic cycle, draining surface water runoff through the watershed and transporting it to the Great Lakes. Healthy rivers, lakes and streams provide natural storm water management, allow for numerous recreational activities and provide valuable habitat for flora and fauna. In addition, owners of waterfront property benefit from higher property values when water bodies are high quality. *The Huron River as it flows through the township, and the portion of Arms Creek from the confluence of the 2 branches in section 10 near Valentine and Scully Roads to its confluence with the Huron River is a designated Natural River District by the State of Michigan.*

B. Surface Water Overlay Zones. The zones overlay existing zoning for an area **fifty (50')** feet and **one hundred twenty-five (125')** feet from the ordinary high-water mark on each side of and parallel to all rivers, streams, and lakes greater than 5 acres in area. The zones are depicted on the map of the Surface Water Protection Overlay District below. Specific regulations for these two zones are provided below.

C. Building Setbacks.

New buildings shall be setback a minimum of **one hundred twenty-five (125')** feet from the water's edge.

D. Accessory Uses. All accessory uses, including storage buildings, garages, parking lots, detention ponds, retention ponds, gravel parking lots, or outdoor industrial storage areas shall be set back a minimum of **one hundred twenty-five (125')** feet from the water's edge.

E. Mining and extracting industries, must be located more than 300 feet from the ordinary high-water mark of the Huron River.

E. Excavation. All excavation, including dredging, cutting, filling, and grading within the overlay zone shall be done in accordance with the requirements of the Washtenaw County Water Resources Commissioner for soil erosion/sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, Michigan Natural Resources and Environmental Protection Act, as amended [MCL 324.9101 et seq.] and other applicable state and local laws. In addition, commercial mining, extraction of soil materials, sand or gravel is prohibited within the overlay zone.

F. Pesticides, Herbicides and Fertilizers. Because of the effects on vegetation, fish, wildlife and water quality from improper use of even small amounts of pesticides, herbicides, and fertilizers, the use of such on lands within the overlay zone is prohibited.

G. Storm Water Management. Detention, retention and/or sedimentation basins shall be designed and constructed in accordance with Article 14, Storm Water Management Regulations, of this Ordinance and Washtenaw County Water Resources Commissioner rules. Storm water management systems shall be designed to reduce the impact of flooding and the degradation of water quality. All activity within the Surface Water Protection Overlay District shall be in compliance with all County and Township storm water management standards.

H. Vegetation Strip. To minimize erosion, stabilize banks, protect water quality, minimize nutrient loading, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures and to preserve aesthetic values, a natural vegetation strip shall be maintained for a distance of **fifty (50')** feet from the water's edge. This restricted cutting strip shall apply to all sides of a body of water although a single access path to the water's edge is allowed. The natural vegetation strip shall maintain the following standards:

1. The strip shall ensure that a live root system stays intact to provide for creek bank stabilization and prevent soil erosion.
2. Planting of perennial native species on the natural vegetation strip is encouraged, especially where exposed soil or steep slopes exist or where reforestation is necessary.
3. Pathways or boardwalks running along or parallel to the river within the required natural vegetation strip shall be prohibited.

I. Nonconformities. In cases where nonconforming uses or nonconforming structures exist at the time of adoption this Ordinance, the Planning Commission may determine that compliance with all of the overlay standards of this Section is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates that one or more of the following conditions apply:

1. Size of the parcel is insufficient to meet dimensional standards.
2. A site plan, plat, or special use permit was previously approved by the Planning Commission or building permits were previously issued by the building department.

J. Restrictions on Land Uses that Pose Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards, and must be set back from any stream or water body by the distance indicated below:

- (1) Storage of hazardous substances (150 feet);
- (2) Above or below ground petroleum storage facilities (150 feet);
- (3) Drain fields from on-site sewage disposal and treatment system (i.e. septic systems - **125 feet**);
- (4) Raised septic systems (250 feet);
- (5) Solid waste landfills or junkyards (300 feet);
- (6) Confined animal feedlot operations (250 feet); and
- (7) BMP's for septic tanks and other underground storage tanks.

K. Waivers.

- (1) The requirements and standards of this Section apply to all developments commenced after the effective date of this Ordinance, except those developments that obtained site plan approval, plat approval, or a building permit (which remains effective), prior to the effective date of this Ordinance.
- (2) The Planning Commission may grant a waiver for the following:

- (a) Those projects or activities serving a public need where no feasible alternative is available;
 - (b) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed; or
 - (c) For those developments that have had buffers applied in conformance with previously issued requirements.
- (3) Waivers for development may also be granted in two additional forms:
- (a) The buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside zone is not disturbed by the narrowing, and no new structures are built within the one hundred (100) year floodplain.
 - (b) The Planning Commission may offer credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of this Ordinance. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.
- (4) The applicant shall submit a written request for a waiver to the Township Clerk, who shall retain the original and forward a copy to the Planning Commission. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the request. The Planning Commission may require an alternatives analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.
- (5) In granting a request for a waiver, the Planning Commission may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

NRD Ordinance Language from other Huron River NRD Townships

We have excerpted all ordinance language relevant to the Natural River District in the Township.

Green Oak Township Natural River District Ordinance Provisions

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Division 1 Generally.

Sec. 38-50. Natural Rivers and Tributary Overlay permit.

(a) **Requirement.** Excavation for, erection of, addition to, alteration, or moving of any building or structure, or the grading, leveling, or recontouring of land, or the removing of trees in connection with these activities shall not be undertaken nor shall any activity or change of use be commenced within the Natural Rivers or Tributary overlay zones until a permit has been issued by the Zoning Administrator or designee pursuant to this section.

(b) **Application requirements.** Application for a Natural Rivers and Tributary Overlay permit shall be made to the Planning and Zoning Administrator, signed by the person, firm, partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, partnership or corporation. For those uses requiring a site plan, the Planning and Zoning Administrator shall not issue the aforementioned permit until the provisions of Article II, Division 2, Site Plan Review, have been satisfied. For those uses not requiring a site plan, there shall be submitted with all applications for Natural Rivers and Tributary Overlay permits, two (2) copies of a drawing, drawn to scale showing: (1) The location, shape, area, and dimensions for the lot, lots, or acreage.

(2) Ordinary high-water mark of adjacent waterways.

(3) The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing structures, wells, and disposal systems.

(4) The dimensions, height, bulk of structures, and setback lines.

(5) The nature of the proposed construction, alteration, or repair and the intended uses.

(6) The limits of proposed land disturbance shown in relation to the natural vegetation strips required under Sections 38-361(f) (3) and 38-362(g), as well as proposed tree protection and sedimentation/erosion control measures.

(7) The present use being made of any existing structure affected and any proposed change in the use thereof.

(8) Any other information deemed necessary by the Planning and Zoning Administrator to determine compliance with this chapter and to provide for its enforcement.

(c) **Evidence of ownership.** All applicants for permits under this section shall have available for the Planning and Zoning Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Planning and Zoning Administrator.

(d) **Issuance of permit.** If the Planning and Zoning Administrator finds the application conforms to the requirements of this chapter and other laws, codes, and ordinances pertaining to use and occupancy, they shall mark all copies of the application approved over their signature, one copy of which shall be retained by them, and another copy shall be returned to the applicant, stating the extent of the work authorized. The approval of the application and the issuance of the permit shall not be binding upon the Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this chapter. The issuance of a permit for work within the Natural Rivers or Tributary overlay zone pursuant to this section does not release the applicant from the permit requirements of other agencies, including, but not limited to, Soil Erosion and Sedimentation Control Permits issued by the Livingston County Drain Commissioner pursuant to Part 91 of Act 451 of the Public Acts of 1994.

(e) **Voiding of permit.** Any permit granted under this section shall be null and void unless the development proposed shall have its first zoning inspection within six (6) months of the date of granting the permit. The Planning and Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit application. The Planning and Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or their agent or is in violation of any of the provisions of this chapter or of any other laws, codes or ordinances pertaining to use or occupancy.

(f) **Inspection.** The construction or use covered by any building or land use permit shall be subject to the following inspections: (1) At the time of staking out grading limits and identifying trees proposed for removal, but prior to the commencement of such activity.

(2) Following grading and tree removal, where necessary, at the time of staking out of lot corners and building foundations at all building corners. It shall be the duty of the holder of every permit to notify the Planning and Zoning Administrator when completed grading and tree removal and staking of lot and building corners are ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.

(3) Upon completion of the work authorized by the permit, it shall be the duty of the holder of every permit to notify the Planning and Zoning Administrator when the construction is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.

(4) All normal inspections required by the current building code in effect in the Township.

(5) At the time a land use activity is commenced.

ARTICLE VIII. ENVIRONMENTAL PERFORMANCE STANDARDS

Sec. 38-361. Natural River overlay zone.

(a) **Purpose.** The intent of the Natural River overlay zone is to provide an overlay zone that reinforces the Natural Rivers Act (Part 305 of Act No. 451 of the Public Acts of 1994, as amended (MCL 324.30501 et seq.)). The purpose of this overlay zone is to preserve and enhance the recreational, ecological, and aesthetic values of a "natural river" area in the interests of future generations. The natural river overlay zone establishes supplementary standards by overlaying existing zoning for an area four hundred (400) feet from the ordinary high-water mark on each side of and parallel to the Huron River and its tributaries, as denoted on the Green Oak Township zoning map, including: (1) Huron River from the eastern boundary of Section 1 to the western boundary of Section 18;

(2) Spring Mill Creek from the eastern boundary of section 1 to its confluence with the Huron River, excluding that portion covered by the Tributary overlay zone in Section 11;

(3) Davis Creek from the eastern boundary of Section 13 to its outlet into Crooked Lake in Section 22, excluding that portion covered by the Tributary overlay zone in Sections 12, 13, and 14;

(4) Greenock Creek from the outfall of Nichwagh Lake in Section 25 to Sandy Bottom Lake;

(5) South branch of the Huron River from the outfall of Sandy Bottom Lake to its confluence with the Huron River;

It is emphasized that a natural rivers designation, or establishment of an overlay zone along the river, does not open private lands to the public. Private lands remain private and are subject to the rights of private ownership.

(b) **Lot and building standards.** (1) **Lot area and width.** New parcels, lots, or units created in the natural river overlay zone shall be at least one (1) acre in area, and shall have a minimum lot width of one hundred and fifty (150) feet at the ordinary high-water mark of the adjacent stream. Lot width at the front building line shall be as required by the underlying zoning district.

(2) **Nonconforming lots of record.** Lots of record that are nonconforming at the time of the effective date of these regulations, because of size to accommodate building setbacks from the water's edge, may be allowed to be built upon with such variances as may be allowed by the Zoning Board of Appeals.

(3) **Building setbacks.** New buildings and appurtenances on all reaches of the natural river overlay zone will be required to be set back a minimum of one hundred and twenty-five (125) feet from the ordinary high-water mark. The setback may be decreased ten (10) feet for every ten (10) foot of rise in bank height to a minimum of seventy-five (75) feet from the ordinary high-water mark. In no case shall a building be located any closer than fifty (50) feet from the edge of the steep slope/bluff or ten (10) feet from the required vegetative strip, whichever provides greater distance from the tributary. Further, no building shall take place on land that is subject to flooding and all tributaries of the Huron River as defined above.

(c) **Nonresidential structures.** All existing nonresidential structures shall conform to this section. Commercial uses and structures are prohibited within the Natural River overlay zone.

(d) **Permits.** (1) In order to ensure that developments within the natural river overlay zone, including dwellings, structures, and land alterations, including but not limited to dredging, cutting, filling, and timber cutting and/or removal, are done so as to further the intent and objectives of the natural river overlay zone, approval of a natural rivers/tributary overlay zone permit by the Zoning Administrator or designee, pursuant to Section 38-50, shall be required. The permit shall be required before any work can take place in the Natural River Overlay Zone.

(2) The Zoning Administrator or designee may submit the permit application and required plot plan to the Planning Commission for approval or disapproval of the requested permit in those cases where compliance with this chapter and its requirements is in question due to the presence of unique or unusual natural features, potential impacts on natural features, existing nonconformities, or other factors as determined by the Zoning Administrator or designee.

(e) **Land alteration.** (1) Cutting, filling for building (including appurtenances) on the floodplain, and filling for buildings on the upland within five hundred (500) feet of the river's edge where the groundwater table is within six (6) feet of the surface shall be prohibited. Dredging or filling for the construction of fish or wildlife ponds within five hundred (500) feet of the river requires a permit under part 91 of Act 451 of the Public Acts of 1994. However, no lake shall be constructed within the natural river overlay zone.

(2) A stormwater runoff management facility shall be constructed to ensure the protection of the watercourses from unnecessary degradation due to sedimentation for all stormwater discharges prior to their reaching the ordinary high-water mark of any lake or stream. The facility shall be built to Township standards.

(f) **Building design and screening.** (1) **Use of natural materials and colors.** Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing buildings.

(2) **Floodplain restrictions.** No structure shall be permitted in the floodplain of the natural river area of the Huron River and its designated tributaries and no land filling is permitted in the floodplain.

(3) **Natural vegetation strip.** To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen manmade structures, and also to preserve aesthetic values of the natural river area, a natural vegetation strip shall be maintained on each parcel or lot between the river's edge and a line, each point of which is one hundred (100) feet on all land horizontal from and perpendicular to the river's edge. Clear cutting within their vegetation strip is strictly prohibited.

For all other lots and parcels, this minimum restricted vegetation strip shall apply on each side of the mainstream and designated tributaries. The natural vegetation strip shall have three (3) distinct zones requiring the following minimum widths and vegetative targets:

- a. **Zone 1: Water Side Zone.** Undisturbed vegetated area aims to protect the physical and ecological integrity of the river/stream ecosystem. Begins at the edge of the river/stream bank of the active channel and extends a minimum distance of twenty-five (25) feet, measured horizontally on a line perpendicular to the water course. The vegetative target for the water side zone is undisturbed native woody species with native plants forming canopy, understory, and duff (or ground) layer; where such forest does not grow naturally, then native vegetative cover appropriate for the area (such as grasses, forbs, and shrubs) is the vegetative target. This vegetative target specifically excludes non-native turf grass. It also excludes maintaining native grasses or other vegetation as a mown lawn.
- b. **Zone 2: Middle Zone.** This managed area of native [vegetation](#) protects key components of the stream ecosystem and provides distance between upland development and the water side zone.
- 2. Extends immediately from the outer edge of Zone 1 for a minimum distance of fifty (50) feet.
- 3. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses, and forbs. This vegetative target specifically excludes non-native turf grass. It also excludes maintaining native grasses or other native vegetation as a mown lawn. Undisturbed forest, as in Zone 1, is strongly encouraged to further protect water quality and the river/stream ecosystem.
- c. **Zone 3: Outer Zone.** This zone prevents encroachment into the [riparian buffer](#), filters runoff from adjacent land, and encourages sheet flow of runoff into the natural [vegetation](#) strip.
 - Extends a minimum of twenty-five (25) feet, measured immediately from the outer edge of Zone 2.
 - The vegetative target for the outer zone is native woody and herbaceous vegetation to increase the total width of the vegetation strip. Native grasses and forbs are acceptable.
 -

Graphic adapted from Schueler, WPT 2/94, p. 19 (Courtesy of the Center for Watershed Protection)

d. The natural [vegetation](#) strip width shall be modified if there are [steep slopes](#) and/or [bluffs](#) which are within two hundred (200) feet of the river/stream. In those cases, Zone 3 of the vegetation strip shall be adjusted as given in the following table. In any event, Zone 3 shall vegetate the top of a steep slope/bluff for a minimum width of ten (10) feet measured parallel to the edge of the steep slope/bluff.

<i>Width for Zone 3 Vegetation Strip</i>	
<i>% Slope</i>	<i>Width</i>
0 - 8	25 feet
9 - 15	35 feet
> 15	45 feet

- e. In the case of the presence of a floodplain, or regulated [wetland](#) wholly or partially within the natural [vegetation](#) strip, an additional twenty-five (25) feet will be added to the floodplain or regulated wetland boundary.
- f. Within the natural [vegetation](#) strip, [trees](#) and shrubs may be selectively pruned or removed for harvest of merchantable
 - timber to achieve a [filtered view of the river](#) from the main [dwelling](#), and for reasonable private access to the river. Said pruning and removal activities: Shall ensure a live root system stays intact to provide for stream bank stabilization and erosion control;
 - Shall ensure that any path to the river is no greater than four (4) feet in width, shall meander down to the [river's edge](#) in a manner which protects the soil and [vegetation](#) from erosion while also screening the principal [structure](#) and vehicles from a direct river view.
 - Dead, diseased, unsafe, or fallen [trees](#), invasive [vegetation](#) including buckthorn, honeysuckle, and multiflora rose, and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Act 359 of the Public Acts of 1941, as amended, may be removed. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and [steep slopes](#) exist, and in reforestation efforts; and
 - Pathways or boardwalks running along or parallel to the river within the required natural [vegetation](#) strip shall be prohibited.

- Shall be accompanied by a [permit](#) from the Planning and Zoning Administrator, as outlined in [Section 38-50](#).
- The construction, maintenance, repair or operation of gas or oil pipelines, electric transmission and distribution power lines, and municipal water and sewer lines are exempt from this requirement as long as the pipelines, power lines, or other utility lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the natural [vegetation](#) strip will be otherwise minimized. The MDNR still requires a permit for utility work within the Natural River overlay zone.
-
- g. All [nonconforming uses](#), [vegetation](#) or plantings, and [structures](#) existing in the natural vegetation strip at the effective date of this regulation may be continued but shall not be changed or enlarged in a manner that increases the degree of nonconformity.
- h. Development projects including site condominiums, subdivisions, and Planned Unit Developments (PUDs), or projects that require site plan review or special land use approval that are subject to [Section 38-361](#) and required to provide a natural [vegetation](#) strip, shall also: Designate how the natural vegetation strip will be preserved. The strips shall be preserved through:
-

EITHER

A declaration of protective covenant, approved by the Township body responsible for approving the development project. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity.

OR

A [conservation easement](#) to a local land conservancy acceptable to the Township body responsible for approving the development project. The easement shall be recorded in the land records and shall run with the land and continue in perpetuity. Terms of such an easement shall be at least as restrictive as those included in this ordinance. The easement shall be submitted to the [Planning Commission](#) for their review, or review by their designee, prior to execution.

- i. All lease and sales agreements must contain a notation regarding the presence and location of protective covenants for natural vegetation strips, and which shall contain information on the management and maintenance requirements for the natural vegetation strips for the new property owner.
 - ii. An offer of dedication of a natural vegetation strip by [conservation easement](#) shall not be interpreted to mean that this offer automatically conveys to the general public the right of access to this area.
 - iii. If a [conservation easement](#) is dedicated, the land conservancy shall inspect the [buffer](#) annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels, and identify corrective action to be taken to ensure the integrity and functions of the vegetation strip.
1. Install permanent boundary markers every two hundred (200) feet prior to final approval of the required clearing and grading plan. Boundary markers shall be placed at the transitional edge of Zone 2 and Zone 3 (See illustration in [Section 38-361\(f\)\(3\)c](#)).
 2. Submit a natural [vegetation](#) strip maintenance plan at the same time as the natural rivers overlay zone permit application, which shall contain the following information:
 - i. Field-delineated and surveyed natural vegetation strip by outside professional consultants.
 3. ii. [Steep slopes](#), regulated [wetlands](#), and floodplains for areas adjacent to and within two hundred (200) feet of the river/stream.
 4. iii. A narrative describing the species and distribution of existing [vegetation](#) within the [buffer](#).
 5. iv. A narrative describing the restrictions to [uses](#) and vegetation cutting and removal within the natural vegetation strip.
 6. v. A note on the survey stating the following: “There shall be no clearing, grading, construction, storage of construction materials, equipment, and the like, or disturbance of vegetation within the natural vegetation strip except as permitted by Green Oak Charter Township.”
 7. vi. A note on the survey stating the following: “Any natural vegetation strip shown hereon is subject to protective covenants that may be found in the land records and restrict disturbance and use of these areas.”

8.

i. Inspections of construction or [use](#) covered by any building or land use permit that requires preservation of a natural vegetation strip shall be conducted as described in [Section 38-50](#) of this ordinance.

(4) **Removal of logs and debris from the river.** A riverfront owner may clean deadfall logs and other debris from the river to maintain a safe, clean, and free-flowing river. Removal should be undertaken in a manner which will least disrupt fish and wildlife habitat, riverside [vegetation](#), and limit sediment disruption on the river bottom. An MDNR fisheries biologist shall be consulted before any river channel clearing is begun to determine if a permit is required.

(5) **Excavation.** All [excavation](#), including dredging, cutting, [filling](#), and grading, within five hundred (500) feet of the [river's edge](#) shall be done in accordance with the requirements of the Livingston County Drain Commissioner for soil erosion/ sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, part 91 of Act 451 of the Public Acts of 1994, as amended (MCL 324.9101 et seq.) and other applicable state and local laws. In addition, commercial mining and extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within four hundred (400) feet of the river's edge.

(6) **Dredge and fill activities.** All dredge and [fill](#) activities and construction of permanent [structures](#), including docks, lying below the [ordinary high-water mark](#) of the river are subject to the provisions of part 301 of Act 451 of the Public Acts of 1994, as amended.

(7) **Use of pesticides, herbicides, and fertilizers.** Because of the potentially severe adverse effects on riverfront [vegetation](#), fish, wildlife, and water quality from improper use of even small amounts of synthetic pesticides, herbicides, and fertilizers, their use on lands within the natural river area is prohibited. Note that this prohibition does not apply for the limited use of synthetic herbicides for the control of invasive or noxious plant species, as described in [Section \(f\)\(3\)f.3.](#) above. (Contact the Township for more information on the environmentally-responsible use of herbicides for invasive/noxious plant control.) Use of pesticides, herbicides, and fertilizers that are approved for organic production (Organic Materials Review Institute – or OMRI – approved) are allowed.

(8) **Required minimum distance from river.** All [septic system](#) drainfields shall be set back from the [river's edge](#) at least one hundred and fifty (150) feet.

(g) **Docks.** Docks may be constructed which do not exceed six (6) feet in width nor are more than twenty (20) feet in length with no more than four (4) feet of the dock extending beyond the low water mark. Docks must be constructed in accordance with the requirements of the Livingston County Drain Commissioner for soil erosion/sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, part 91 of Act 451 of the Public Acts of 1994, as amended (MCL 324.9101 et seq.) and other applicable state and local laws. The use of natural materials and camouflaging is encouraged.

(h) **Campgrounds and picnic areas.** On public land, no new [structures](#) associated with a campground or picnic area, except those necessary to protect the riverbank, will be permitted within three hundred (300) feet of the designated mainstream or [tributary](#).

Such structure shall be designed and constructed in such a manner as to further the purpose of this overlay zone.

(i) **Archaeological sites.** The identification, preservation, and interpretation of archaeological sites along the designated portions of the overlay zone, both by public agencies and local societies, is strongly encouraged.

(j) **Compliance with stormwater management standards.** All activity within the natural river overlay zone shall be in compliance with all County and Township stormwater management standards.

(k) **Stream/river crossings.** New stream/river crossings of the Huron River and the south branch of the Huron River are prohibited.

(l) **Violations.** In the event of violation of this article, the Township Code Enforcement Official shall notify the owner of record and shall specify the violation and corrective action including the replacement, restoration or remediation of removed vegetation. Violations shall also be subject to Section 38-46 and Township penalties as municipal civil infraction.

DIVISION 2. SITE PLANS

Sec. 38-72. Site investigation report.

(c) **Required.** A site investigation report shall be filed for any petition for a site plan, condominium or subdivision review, [special approval use](#) permit, or lot split involving a [private road](#) in which two (2) of four (4) possible environmental factors are involved, including the on-site existence of floodplains, [wetlands](#) over one (1) acre, woodlots over one (1) acre, or being within the natural river corridor. If only one (1) such factor is present, the [Planning Commission](#) may require a site investigation report.

ARTICLE III. DISTRICT REGULATIONS

Sec. 38-136. Schedule of area, height, and setback regulations.

For Waterfront Yard setbacks: * If fronting on a natural river, these setbacks will not apply.

ARTICLE IV. SUPPLEMENTARY REGULATIONS

Sec. 38-196. Site design conditions.

(26) **Commercial recreation.**

c. Activities or facilities shall not be permitted within the natural river overlay zone.

ARTICLE V. OPEN SPACE PLANNED UNIT DEVELOPMENT Sec. 38-234. Project design standards.

— (7) **Regulatory flexibility.** a. To encourage flexibility and creativity consistent with the open space planned unit development concept, the [Planning Commission](#) may recommend, and the Township Board may grant, specific departures from the requirements of this chapter as a part of the approval process as follows: Yard, [lot width](#), minimum lot size, density, and bulk standards may be modified, provided that such modifications results in enhanced buffering from adjacent land uses or public [right-of-ways](#), or preservation of natural features. Any modification to the natural river overlay zone standards must also be approved by the Michigan Department of Natural Resources, if required.

—
—

ARTICLE VIII. ENVIRONMENTAL PERFORMANCE STANDARDS

Sec. 38-359. Mineral mining and extractive operations.

(b) **Use restriction.** Sand, gravel, stone, and/or other mineral mining in the Township shall be prohibited unless first authorized by the grant of a [special approval use](#) application by the [Planning Commission](#) in accordance with this section and [Section 38-44](#). In all events, such [use](#) shall be prohibited in LA, R-1, R-2, and R-3 districts, as well as the Natural River and Tributary overlay zones.

Sec. 38-365. Common use riparian lot (keyhole) regulations.

(a) **Intent.** The intent of this section is to protect the public health, safety, and welfare, which could be threatened by the overusage of inland [lakes](#) and streams, and avoid situations which may create a nuisance, impair important irreparable natural resources, and harm property values. The regulations set forth in this

section are intended to reinforce the implementation of the inland lakes and streams, part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.). These regulations are not intended to negate any obligations of a property owner to fully comply with regulations contained in the Natural River Overlay District or other applicable overlay districts, but are supplementary thereto.

(e) **Boat docks.** (1) The maximum number of docking spaces, slips, or mooring points for boats or other watercraft (e.g., jet skis, canoes, etc.) that may be provided at or off-shore of a [Common Use Riparian Lot](#) shall be based upon the lot's [riparian](#) frontage, at the following ratio:

<i>Zoning District</i>	<i>Number of Docking Spaces Permitted</i>
NR (Natural River)	1 per 100 feet of riparian frontage
All other residential districts	1 per 50 feet of riparian frontage

Hamburg Township Natural River District Ordinance Provisions

ARTICLE 7.00

DISTRICT REGULATIONS

The Township is hereby divided into the following zoning districts as shown on the Zoning District Map:

NR - Natural River Residential District

Section 7.5.1.

Schedule of Use Regulations

(G) NR-Natural River District

A. Authority. The Huron River is a designated Natural River (classification: County Scenic River). Authority for these provisions herein stated are granted by the provisions of Part 305 of the Environmental Protection Act beginning at 13A.30501

B. Purposes and Intent. This ordinance is enacted to implement public objectives embodied in the Huron River Natural River Management Plan adopted by the Natural Resources Commission, and endorsed by Hamburg Township. These public objectives seek to preserve and enhance the values of the Huron River area as well as to promote the public health, safety and general welfare of this community and the state as a whole. These objectives are sought to be achieved through zoning of this unique scenic natural river area for the following stated purposes:

1. To protect and enhance the values of the natural river in the interest of present and future generations;
2. To protect the economic value of this scenic resource from unwise and disorderly development which may adversely pollute, destroy or otherwise impair its beneficial use and preservation;
3. To prevent ecological and aesthetic damage which may result from overcrowding and overuse or unwise and disorderly development;
4. To permit reasonable and compatible uses of land which complement the natural characteristics of the river and further the purposes of this Ordinance;
5. To limit the intensity of use, density of population and type and amount of development in order to protect and enhance the natural river values, and thereby carefully guide the expenditure of funds for public improvements and services in an orderly fashion, in keeping with the character of the natural river area, the purposes for its designation, and the community as a whole;
6. To conserve the river water, and prevent further degradation of its quality, purity, clarity and free-flowing condition;
7. To provide for the conservation of soil, of riverbed and banks of adjoining uplands;
8. To protect the natural flood water storage capacity of the river flood plain and to prevent flood damages and associated public relief expenditures created by improper construction of structures in the flood plain;
9. To protect and enhance fish, wildlife and their habitat;
10. To protect boating and recreational values and uses of the river;
11. To protect historic values of the river and adjoining uplands;
12. To protect individuals from investing funds in structures proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood damage; and
13. To provide for administrative relief from the terms of this ordinance where warranted and in accord with the standards contained herein.

C. Principal Uses Permitted. The following uses shall be permitted, subject to any limitations described herein:

1. Single-family dwelling (detached).
2. Natural study, hiking, and pedestrian paths; boardwalks; and conservation and environmental interpretive areas (kiosks, overlooks, open shelter, etc.) are permitted as long as the activity is not detrimental to the Natural River District and is constructed of the most environmentally compatible materials.
3. Accessory uses subject to the provisions of Section 8.3.
4. Essential services subject to the provisions of Section 8.4 and with the following additional conditions:
 - a. Except on existing rights-of-way, new electric transmission lines of 30 KV or higher shall not be located within the District or to cross the Huron River without the written permission of the Michigan Department of Natural Resources (MDNR).
 - b. Wherever feasible, all electrical and telephone transmission lines shall be placed underground.

5. Signs subject to the provisions of Section 8.2.
6. Home occupations subject to the provisions of Section 8.1.
7. Family Care Homes as provided in Article 2.0, and State Licensed Residential Facilities, except for adult foster care facilities for care except for adult foster care facilities for care from or assigned to adult correctional facilities.

D. Principal Uses Permitted Subject to Special Conditions. The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject to further review and recommendation by the Township Planning Commission and approval by the Township Board per Section 3.5 - Special Use Permits:

1. Churches and other buildings associated with religious worship, including housing for religious personnel associated with such uses.
2. Public buildings, fire stations, and community centers.
3. Public or private elementary, junior and senior high schools, and institutions of higher education, subject to the provisions of Section 8.6.
4. Public or private golf courses, parks, recreation clubs and open spaces.
5. Raising and keeping of horses and other domestic animals, not for the purposes of remuneration or sale, but as an incidental activity to the principal use of a single-family dwelling, subject to the provisions of Section 7.7.1.
6. Bed and Breakfast Inn.
7. Adult foster care large and /or small group homes, subject to the provisions of Section 8.26.

E. Setbacks

1. **Setbacks and Lot Width.** Unplatted lots, new subdivisions, and condos in the NR District shall accommodate the building setbacks as set forth in this Ordinance, and shall have a minimum riverfront lot width of 150 feet. Septic systems are required to be set back a minimum of 125 feet from the ordinary high water mark of the Huron River.
2. **Building Setbacks.** New buildings and appurtenances on the Huron River mainstream will be required to set back a minimum of 125 feet from the ordinary high water mark. Further,
 - a. New buildings and appurtenances must be setback at least 100 feet from the top of a bluff.
- b. No buildings shall be placed on land that is in a floodway or a wetland.

F. Land Alteration

1. **Cutting and Filling.** Cutting or filling for building (including appurtenances) on the flood plain is prohibited. Cutting and filling for building on the upland shall meet all state, county and township regulations. Dredging and filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Act 356, PA 1972. However, no lake shall be constructed within the Natural River District.
2. **Stormwater Runoff.** A stormwater runoff management system shall be intact for all stormwater runoff prior to the runoff reaching the ordinary high water mark of the Huron River or its tributaries to ensure the protection of the water courses from erosion and unnecessary degradation due to sedimentation.
3. **Earth Changing Activities.** All earth changes, including dredging, damming, cutting, filling and grading, within five hundred feet of the river's edge shall be done in accordance with the requirements of a permit issued by the local soil erosion and sedimentation control enforcement agency pursuant to Public Act 346 of 1972, as amended. In addition, commercial mining and an extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within three hundred feet of the river's edge.
4. **Dredge and Fill Activities.** All dredge and fill activities and construction of permanent structure, including docks, lying below the ordinary high water mark of the river are subject to the provisions of Public Act 346 of 1972, as amended.

G. Building Design and Screening

1. **Use of Natural Materials and Colors.** Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing buildings.
2. **Flood Plain Restrictions.** Township Ordinance Section 9.6.1 through Section 9.6.5 shall apply in the Natural River District with the exception that no structures (except accessory building/structures) shall be permitted in the floodplain of the Huron River in the Natural River District.

- 3. Natural Vegetation Strip.** To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural river area, a natural vegetation strip shall be maintained on each parcel or lot between the river's edge and a line, each point of which is 100 feet on all privately owned land and on all publicly owned land horizontal from and perpendicular to the river's edge. This restricted, minimum cutting strip shall apply on each side of the mainstream. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the river. Said pruning and removal activities:
- a. Shall insure a live root system stays intact to provide for streambank stabilization and erosion control; and
 - b. Shall insure that any path to the river's edge is not greater than 10 feet in width, shall meander down to the river's edge in a matter which protects the soil and vegetation from erosion while also screening the principal structure and vehicles from a direct river view; and
 - c. Shall require a detailed plan of the cutting and removing of vegetation be submitted to the Hamburg Environmental Review Board (HERB). HERB shall make a recommendation to the Zoning Administrator who will then give final approval/disapproval within the vegetation strip; and
 - d. All commercial lumbering in the Natural River District shall be required to file a one thousand dollar bond with the Township to be returned to said party following inspection of the property by the Zoning Administrator to insure repair of damaged trees and property.
- Dead, diseased, unsafe fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance may be removed. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist, and in reforestation efforts.
- 4. Use of Pesticides, Herbicides, and Fertilizers.** Because of the potentially severe adverse effects on riverfront vegetation, fish, wildlife, and water quality from improper use of even small amounts of pesticides, herbicides, and fertilizers, their use on lands within the natural river area is prohibited except when utilized in accord with the advice and supervision of qualified specialist. No pesticides, herbicides, or fertilizers are allowed in the "vegetation strip" along the river.

H. Docks and Launches

1. Docks. Docks may be constructed not to exceed six (6) feet in width nor more than twenty (20) feet in length paralleling the river with no more than four (4) feet of the dock extending beyond the low water mark. Docks must be constructed in accordance with the rules of Act 346, P.A. 172. Docks must be constructed of materials that are not detrimental to the river and must have natural/unobtrusive colors used for coverings. Docks cannot impede the waterway of normal water traffic.

2. Launches. No public launches are allowed in residential areas into the river or its tributaries.

I. Campgrounds and Picnic Areas. On public land, no new structures associated with a campground or picnic area, except those necessary to protect the riverbank, will be permitted within three hundred (300) feet of the designated mainstream. Such structure shall be designed and constructed in such a manner as to further the purpose of this district.

J. Archaeological Sites. The identification, preservation, and interpretation of archaeological sites along the designated portions of the district, both by public agencies and local societies, is strongly encouraged.

Section 7.6.1.

Schedule of Area, Height, and Bulk Regulations

NR – Natural River Residential:

Minimum Lot Area (Sq.Ft.): 43,560

Minimum Lot Width At Street (Feet) ² * : 150

Maximum

Lot Coverage 35/40

Buildings /Parking (%) ⁷ *

Minimum Yard Setback (Feet)

Maximum Building Height

Minimum Interior Space Sq.Ft./Unit
Additional Regulations Section 7.7

Footnotes to Section 7.6.1. Schedule of Area, Height, and Bulk Regulations

In NR-Natural River Residential, in addition to required front, side, and rear yard setbacks, all new buildings and structures shall be required to be setback a minimum of 125 feet from the ordinary high water mark, or if the ordinary high water mark cannot be determined, the setback shall be from the river's edge. The setback may be decreased ten (10) feet for every ten (10) foot rise in bank height to a minimum of seventy-five (75) feet from the ordinary high water mark.

Section 7.7. Additional District Regulations

7.7.1. RAA-Low Density Rural Residential; RA-Medium Density Residential; WFR-Waterfront Residential; and NR-Natural River Residential.

- A. General and specialized farming and agricultural activities shall be subject to the following conditions:
1. Minimum lot size shall be ten (10) acres.
 2. No building housing animals shall be located nearer than seventy-five (75) feet from any property line.
- B. Raising and keeping of horses and other domestic animals shall be subject to the following conditions:
1. Minimum lot size shall be two (2) acres.
 2. Two (2) horses or large domestic animals are permitted on parcels meeting the minimum lot size. For each additional horse or large domestic animal, two (2) additional acres shall be required.
 3. Animals must be kept within a fenced area which shall be located no nearer than one hundred feet (100) from any water body. This requirement shall not apply to a water body which is located entirely within the subject property and is not connected to any water body off the subject property. Zoning Ordinance Hamburg Township,
 4. No building housing animals shall be located nearer than seventy-five (75) feet from any property line.
5. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare. Where necessary to protect water quality and public health, safety and welfare, the Zoning Administrator may require additional setbacks or buffer strips from property lines or adjacent water bodies.

Section 8.3. Accessory Buildings and Structures

8.3.7. In Residential Districts abutting a water body, docks and boat storage buildings for the use of the individual residential property owners are permitted as an accessory use to a residential use. Such docks and boat storage buildings may be located in the water but not nearer than five (5) feet from any side lot line. Any gazebo exceeding a floor area of one hundred forty four (144) square feet, a width in any direction of thirty (30) feet or a height of twelve (12) feet shall meet all setback requirements for principal structures. All structures located within the Natural River District shall also comply with the requirements of Section 7.5.1 (F), Natural River District.

8.3.10. Accessory Buildings, Structures and Uses in Waterfront Districts. In the Waterfront Residential District (WFR) *and the Natural River Residential District (NR)*, accessory garage structure(s) may be placed on a separate lot of record than the principal structure if the following provisions are met and a permit has been issued by the Zoning Administrator:

- A. The lot upon which the principal building is located must be a waterfront or riparian lot.
- B. The garage can only be constructed on a non-waterfront lot.
- C. The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.
- D. There shall be common ownership between the principal building or residence and lot being used for the garage.
- E. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.
- F. The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in Section 7.6.1. Height shall conform with Section 8.3.8.

ARTICLE 9.00

ENVIRONMENTAL PROVISIONS

Section 9.2.3. Exemptions from Special Use Requirements. The following activities that create or alter a water body shall be exempt from the Special Use Permit requirements of Section 3.5. when conducted in compliance with applicable Federal, State, and Local regulations and affecting only single family residential dwellings:

9. Stabilization of shoreline fill, dredging, or construction of bulkheads or seawalls within the Natural Rivers District shall utilize natural materials approved by the Zoning Administrator. This requirements may be waived where it is demonstrated by the applicant that alternative materials are necessary.

Scio Township Natural River District Ordinance Provisions

Sec. 36-344. Natural rivers setback and maintenance regulations.

(a) Intent.

(1) The regulations of this section are intended to protect and enhance the portions of the Huron River and Mill Creek in the township in accordance with the natural resources commission's designation:

- a. To prevent economic and ecological damages due to unwise development patterns along the natural river, and to preserve the values of the natural river areas for the benefit of present and future generations;
- b. To protect the natural river's free flowing river conditions, fish, and wildlife resources, water quality, scenic and aesthetic qualities, and historical and recreational values;
- c. To prevent flood damages due to interferences with natural floodplain characteristics by excluding from the natural river area property and uses which are vulnerable to flood damages, during times of flood, thereby protecting the local tax base and avoiding increased economic burdens.

(2) The regulations of this section shall apply to all natural river areas and shall be in addition to other regulations set forth in this chapter. The regulations of this section do not permit any uses or structures which are prohibited in any zoning district underlying a natural river area.

(b) Designation of the natural rivers area.

(1) Natural Rivers Area I [*Webster wouldn't have to call it "I" and "R", this is a thing particular to Scio*] is designated as all land and water areas within the Huron River or within 400 feet of the edge of the Huron River and included within the following description:

All that portion of the following described premises situated in the township of Scio, County of Washtenaw, State of Michigan, and lying east of the centerline of Zeeb Road to wit:
Lands lying in the northeast Quarter of Section 9, and in the north half of Section 10, Town 2 South, Range 5 East, Scio Township, Washtenaw County, Michigan described as: All that parcel of land bounded north by the north line of Section 10, and the south line of the Michigan Central Railroad right-of-way; on the south and east by the Huron River, and on the west by the westerly line of the Scio Mill property, so called, which line was marked by a fence at the time of surveys made by Gardner S. Williams in 1908 and 1909, and which fence ran in a southwesterly direction from a point on the southerly line of the Michigan Central Railroad right-of-way, being 890 feet westerly of, and measured perpendicular to the easterly line of the Section 9 and running to a point on the left bank of the Huron River, approximately 1,050 feet westerly of said Section line.

(2) Natural Rivers Area R is designated as all of the remainder of the Huron River and Mill Creek and all other land lying within 400 feet of either edge of the Huron River or Mill Creek within the unincorporated portions of the township.

[*Webster's language would read: The Natural Rivers Area is designated as all of the Huron River as it flow through the township and Arms Creek from the confluence of the 2 branches in section 10, T1S, R5E to its confluence with the Huron River*]

(c) ~~Prohibited structures~~ Structures and uses in Natural Rivers Area R.

(1) All new structures as described herein shall require a certificate of zoning compliance in accordance with Section 36-31 of the Zoning Ordinance.

(2) New industrial and commercial structures and uses shall not be permitted within 400 feet of the Huron River and of Mill Creek. Restoration, reconstruction, extension, expansion and substitution of existing industrial and commercial structures and uses shall be prohibited unless approval is granted by the board of appeals following consultation with the division of land resource programs of the state department of natural resources. The proposed action shall be approved if the board of appeals determines that all of the following standards are met:

- a. The land upon which the proposed action is situated is not in a floodplain;
- b. The proposed action will not lead to accelerated bank erosion or other material degradation of the river resource;
- c. The proposed action conforms to all local codes and ordinances, and approval is granted from appropriate officials; and
- d. The proposed action does not contravene the intent and purposes of this chapter in general or of this section in particular.

(3) New permitted principal structures, including appurtenances, shall not be erected within 125 feet of the ordinary high water mark of the Huron River and Mill Creek. Further, the following standards shall apply:

- a. New buildings and appurtenances shall be set back at least 75 feet from the top of a bluff.
- b. No building or filling shall take place in a floodplain or wetland.
- c. The minimum riverfront lot width shall be 150 feet [measured at the minimum building setback line](#).
- d. Minimum setback of a septic system drainfield shall be 125 feet.

Note: Scio is considering adding the language in blue and red, which would make it consistent with the State Rules:

- e. One (1) private boat dock per parcel may be allowed, the following standards apply:
 1. A dock shall not be more than 48 square feet in area, with not more than 4 feet of the dock extending over the edge of the river.
 2. A dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.
- f. One (1) private river access stairway per parcel may be allowed, the following standards apply:
 1. A stairway is not permitted unless no other reasonable and safe access to the river exists.
 2. A stairway shall be low-profile, not more than 4 feet wide and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.
 3. A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building codes.
 4. Not more than one (1) handrail shall be associated with a stairway.
 5. A stairway shall be constructed using natural materials.
 6. A stairway shall be located and maintained to blend with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized.

g. A boardwalk associated with a footpath along the river's edge shall conform to the following standards:

1. A boardwalk shall be placed only in an area that is generally too wet to be traversed without significant disturbance of the soils.

2. A boardwalk and all supports shall be constructed of natural materials.

3. A boardwalk shall not be more than 3 feet wide.

4. A boardwalk shall not include hand railing.

5. The top of the boardwalk shall not be more than twelve (12) inches above grade.

h. A pedestrian bridge within the natural river area should conform to all of the following:

1. A new pedestrian bridge may be permitted provided the lands connected by a new bridge are collectively owned by one (1) person.

2. A new pedestrian bridge shall span the bank full channel and be a bottomless structure, and be constructed to exclude the use by any walled or tracked motorized vehicle or snowmobile.

3. Only one (1) bridge is permitted to access a portion of land that is otherwise inaccessible from the owner's contiguous property.

i. A temporary vehicle bridge for the purpose of access for timber harvest may be permitted provided it is constructed in a manner that minimizes impacts to the stream and aquatic organisms and shall be removed immediately after timber harvesting activities. All disturbed areas in the natural vegetation strip shall be replanted with native vegetation, any fill placed shall be removed, and the land shall be returned to its original grade as soon as possible after removal of the bridge.

(4) New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals, except groundwater shall not be permitted within 300 feet of the designated portions of the Huron River and Mill Creek.

(5) Signs of the sale of products or services shall be prohibited, except that an existing business may advertise on lands on which it is established. Signs and outdoor advertising devices within the Natural River Area R (300 feet) shall be related to permitted uses; not illuminated, not attached to any tree or shrub; and in conformance with the following standards:

a. For residential uses, signs may not be larger than one square foot in area posted no more than one per 100 feet or one sign posted at upstream and downstream corners of lot, however, one temporary real estate "for sale" sign not to exceed four square feet in area shall be allowed on a parcel of land.

b. For commercial uses, one sign per establishment is allowed, not to exceed four square feet in area.

(6) Utility lines to service permitted uses shall originate from the landward site of the structure, and shall be located landward of the 50-foot natural vegetation strip, set forth in subsection (d) of this section.

(7) Site or route location, construction or enlargement of: utility transmission lines; publicly provided recreational facilities; access sites, highways, roads, bridges, or other structures; and publicly developed water management projects are permitted only with approval of the state pursuant to administrative rules adopted to implement part 305 of Public Act No. 451 of 1994 (MCL 324.30501 et. seq.) and entitled Utilities and Publicly Provided Facilities in Natural River Areas.

(8) No trees or other vegetation shall be cut or removed within 100 feet of the river's edge except as permitted in subsection (d) of this section.

Note: Scio is considering adding this language (blue and red), which would make it consistent with the State Rules:

(9) Any land alteration shall conform to all the following requirements:

a. Any land alteration shall be in conformance with all local, county, state, and/or federal requirements. All applicable permits shall be obtained prior to issuance of a Zoning Compliance by the Township.

b. Land alteration shall not occur with the natural vegetation strip, except placement of woodchips for a foot path, on the face or crest of a bluff, in a wetland, in floodplain, or below the ordinary high-water mark of the river unless associated with bank stabilization or fisheries habitat improvement activities.

c. Draining a wetland is prohibited.

d. A pond may be constructed if the pond meets the building setback, spoils are placed in a non-wetland, non-floodplain area landward of the natural vegetation strip, and the pond is not connected to the river by any surface of sub-surface drainage system. A pond shall be constructed in a wetland or the 100-year floodplain.

(10) Bank stabilization or fisheries habitat activities shall comply with all of the following:

- a. Bioengineering practices shall be the preferred alternative for bank stabilization. Bioengineering practices used to stabilize stream banks utilize a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that mimic and enhance the natural landscape.
- b. Rock used for bank stabilization above the seasonal low-water level of the stream shall be rounded cobble (fieldstone).
- c. Quarried limestone or other natural angular stone shall not be exposed by seasonal low water level of the stream.
- d. An in-stream fisheries habitat structure, such as a lunger, an overhead cover platform or similar structure shall be, upon completion, indistinguishable from the natural surrounding landscape.
- e. A seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited.
- a.f. The proposed bank stabilization or fisheries habitat shall fulfill an identifiable need for erosion protection, bank stabilization, or fisheries habitat improvement.

(d) Natural rivers natural vegetation strip.

A natural vegetation strip 100 feet wide bordering each side of the designated portions of the mainstream, and tributaries shall be maintained in trees, shrubs and other vegetation native to the area subject to the following provisions:

(1) Dead, disease, unsafe or fallen trees and noxious weeds and shrubs may be removed.

(2) Trees and shrubs may be pruned to afford a view of the river.

(3) Clear-cutting will not be allowed in the 100-foot vegetation strip, however, selective removal of trees for commercial timber harvest or landscaping shall be permitted upon approval of the zoning official or the department of natural resources. Any tree clearing shall be in accordance with section 36-346.

Note: Scio is considering adding this language (blue and red), which would make it consistent with the State Rules:

(4) Mowing is prohibited in the natural vegetation strip except in an area maintained in a mowed condition before the effective date of this Section or to establish a single footpath to the river not to exceed four (4) feet wide.

(5) Camping, except for tent camping, is not permitted in the natural vegetation strip.

(6) A motorized vehicle shall not be operated off-road in the natural vegetation strip.

[sections e and f are not relevant to Webster]

(g) Reporting.

(1) A copy of all special use and variance applications received by the local unit of government shall be provided to the state natural rivers zoning administrator not less than fifteen (15) days before the application will be considered by the Zoning Board of Appeals or the Planning Commission. A copy of the local Zoning Administrator's decision for a minor variance application, with permit and approved site plan, if applicable, shall be sent to the state natural rivers zoning administrator.

(2) An annual report to the state natural rivers zoning administrator shall be provided by March 1 of each year for the preceding year natural rivers zoning activity. The annual report shall include, at minimum, all of the following information:

a. Total number of natural river district land/use zoning permit applications submitted to the local unit of government during the calendar year.

b. Total number of natural river district variance application received during the calendar year.

c. Total number of natural river district special use applications received during the calendar year.

d. Summary of all decisions made by the Zoning Board of Appeals or Planning Commission on applications for projects in the natural rivers district during the calendar year.

~~a-e.~~ Summary of all outstanding violations of natural rivers' standards and the action taken by the local unit of government to gain compliance at the site during the calendar year.

NRD Rules for the Huron River – Webster Townships proposed additions

No highlighting – proposed additions to Webster’s ordinance.

Gray Highlighting - Left Out

Green Highlighting: Comments

Rule 51. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

a) A single-family dwelling or short-term rental facility with all the following provisions:

Already addressed in Webster’s Zoning Ordinance elsewhere. But they might allow other structures besides single family dwellings, and b) – n) below.

(i) The minimum building setback shall be not less than 125 feet from the ordinary highwater mark on the mainstream except as described in R 281.57.

(ii) The setback may be decreased 10 feet for every 10 foot of rise in bank height to a minimum of 75 feet from the ordinary high-water mark.

(iii) The minimum building setback on all designated tributaries shall be not less than 50 feet from the ordinary high-water mark. Tributaries have a 125 foot setback

(iv) A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.

(v) Building shall not take place on land that is subject to flooding or in any wetland area. Already covered in other parts of ordinance

(vi) The natural contour of the face and crest of the bluff shall not be altered.

(vii) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility. **allowed**

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located not less than 125 feet from the ordinary high-water mark and not less than 50 feet from any surface or subsurface drain that discharges into the Huron river or its designated tributaries, and **not located within the 100-year floodplain, a wetland area, **Included in County regulations****

or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall not be located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Huron river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after June 2, 1980, with the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 150 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case

this dimension shall be measured at the point of the parcel closest to the river, and is at least 150 feet wide at the minimum building setback line.

(iii) Contain at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on June 2, 1980, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after June 2, 1980, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities subject to R 281.57.

(2) Within the Huron river natural river district, a natural vegetation strip that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of the Huron river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.