

TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 2018-05

AN ORDINANCE SUMMARY AMENDING CHAPTER 36 ZONING, SECTION 36-347, OVERLAY FOR PRESERVATION AND ENHANCEMENT OF NATURAL FEATURES (OPEN) OF THE SCIO TOWNSHIP CODE OF ORDINANCES AS STATED.

The Board of Trustees of the Township of Scio hereby ordains:

SECTION 1. CHANGES TO TOWNSHIP CODE.

The following amendments to Chapter 36 Zoning and Section 36-347 of the Township's Code of Ordinances, are hereby adopted:

Sec. 36-347. –Overlay for Preservation and Enhancement of Natural Features (OPEN)

(a) *Purpose. The purpose of the OPEN Overlay District is to recognize the sensitive natural character of those properties within Scio Township identified as and in association with the Recreation Conservation designation in the current Township Master Plan. This overlay district is intended to preserve the Township's significant natural resources while encouraging an appropriate use of the land that recognizes these resources and encourages their interconnection. According to the Township Master Plan, land designated as Recreation-Conservation includes all areas identified as priority 1 and priority 2 bioreserves by the Huron River Watershed Council. Bioreserves are defined as areas of potential ecological significance that are ranked based on size, presence of water, presence of wetlands, groundwater recharge potential, potential for rare remnant plant community, topographical diversity, glacial diversity, connectivity to other natural areas, restorability potential, and quality of vegetation. In addition it is the purpose of this district to accomplish the following:*

(1) Promote the preservation of land and waterways which, because of location or natural features, have a unique character for open space and/or recreation purposes, and to facilitate and provide for the conservation of significant natural resources.

(2) Encourage the retention of open space, natural resources, and lands in and around the major water features of the Township such as the Huron River, Honey Creek, and Mill Creek corridors, which constitute a unique and important natural resource of the Township.

(3) Promote the retention of woodlands and forested areas that conserve other important resources, moderate the effects of winds and storms, absorb pollutants and reduce noise, serve as a shelter for wildlife, and provide a diverse environment for the Township.

(4) Promote the preservation of Township groundwater recharge areas as identified in the Township Master Plan and consider County wellhead protection zones in the development of property.

(5) Promote access to existing preserved adjacent open space, recreation, and conservation lands and encourage access through appropriate legal mechanisms during the development review process.

(6) Promote the coordination of new open space, recreation, and conservation areas with existing preserved areas, including those areas protected through appropriate legal mechanisms, and to existing or potential "open space" areas on adjacent tracts to assure consistency of use and lack of conflict between adjacent areas.

(7) To help create an interconnected system of open space within the Township and throughout the region that supports ecological function, biodiversity, water quality, productive farmland, recreational opportunity and scenic character for current and future residents.

(b) *Establishment of district.* The OPEN Overlay District shall overlay the existing zoning districts as shown on the Zoning Map. As such, the provisions for the District shall take precedence over those of the underlying district. Where there is a conflict between the provisions of this district and other provisions of this chapter, the more restrictive shall apply.

(c) Application of standards.

(1) Site plan and conditional use review. The standards of this section apply for those projects requiring site plan review pursuant to Article VI of this ordinance, and conditional use review pursuant to Article VII.

(2) Planned unit Development. Projects reviewed as a Planned Unit Development (PUD) pursuant to Article VIII are also subject to Section 36-347(e) development standards, and 36-347 (f) open space.

(3) Exemptions. The division of property outside of a site condominium or platted subdivision, and in accordance with Chapter 20 Land Divisions and Subdivisions, Article II - Land Divisions (simple land division) are exempt from these provisions.

(d) *Permitted uses.* Uses shall be limited to those permitted and conditional uses as outlined in the underlying zoning designation.

(1) Residential Development. All residential developments requiring site plan review shall be developed as a rural open space development subject to the density restrictions and the provisions of section 36-130, open space development. Residential open space development under the OPEN Overlay District shall be considered a permitted use, not subject to the conditional use process. All residential developments within the overlay shall be open space developments in order to help preserve significant natural features and open space. Density shall be limited to that described in Section 36-347(e)(7) and as specified in Section 36-75 Schedule of Regulations for the district in which the property is located.

(2) Non-residential Development. Non-residential development shall be limited to those permitted and conditional land uses of the underlying zoning designation.

(3) The following however shall be prohibited anywhere within the overlay zone as they do not meet the purpose of this section:

- (1) Mineral mining and extractive operations
- (2) Bulk feed and fertilizer outlets.
- (3) Accessory or ancillary oil and gas well use or structures.
- (4) New and used vehicle sales and recreational vehicle sales
- (5) Large scale retail establishments

(e) *Development standards.* The following standards shall be confirmed by the Planning Commission during the development review process.

(1) Natural Feature Assessment. As recommended by the Scio Township Master Plan, a natural feature assessment shall be required for all developments requiring site plan approval. The assessment shall be provided on a separate plan sheet and shall show all significant natural features prior to the development of the site. The following information shall be required and reviewed by the Township during the development review process:

- a. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;

- b. Any prominent views from or across the site;
- c. The pattern, species and location of any significant species as identified by the MNFI, native trees, and other native site vegetation;
- d. The bank, and ordinary high-water mark of any inland lake or stream on the site; and
- e. The general ecological functions provided by the site and its features.
- f. Additional data. Additional data and information may be required to be submitted with the impact assessment upon the recommendation of the planning commission or Zoning Administrator for ensuring that the intent and objectives of this section will be observed.

(2) Open space character. The buildings and/or uses shall preserve to the maximum extent possible all floodplains, stream valleys, steep slopes, wooded areas, prime agriculture soils, and similar environmentally sensitive areas as identified in the Natural Feature Inventory noted above, and shall be planned to minimize the intensity of development; after development the site shall retain an open character.

(3) Connectivity (non-motorized). Public access easements, deed restrictions, or other legal mechanisms to permit access to or through the subject property for such purposes as hunting, fishing, hiking, horseback riding, or bicycling are strongly encouraged. Access to adjacent protected lands should also be considered where applicable.

(4) Commercial activity. No commercial activity shall be permitted except as permitted within the underlying zoning districts and as limited above. Each permitted commercial activity shall be located or screened in accordance with the provisions of this ordinance.

(5) Off-street parking. The provisions of Sec. 36-278., Off-Street Parking, shall apply to all uses in this district. Pervious surfaces for parking areas and access drives are strongly encouraged in this district.

(6) Parking setbacks. All parking areas or driveways shall be set back from all property lines by a minimum distance of 20 feet, except for providing access to the property.

(7) Paved surfaces. Where open-space single-family residential development is proposed, pervious pavement including gravel drives are encouraged to minimize stormwater impacts and retain rural character. Pervious pavement including gravel drives shall be considered permitted in the OPEN Overlay and shall not require variance from the Township. All gravel drives must be constructed using the Township's Class-B Private Road Ordinance standard for gravel surface.

(8) Refer to Sec. 36-75., Schedule of Regulations for determination of actual allowable lot size(s) and for all other requirements.

(f) Open space. Open space shall be permanently preserved through appropriate legal mechanisms as approved by Scio Township. Preserved open space may be dedicated to the Township Land Preservation Commission.

SECTION 2. INCONSISTENCIES REPEALED.

Any and all other ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

Should any section, clause or paragraph of this Ordinance be declared by court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part hereof other than the part declared to be invalid.

SECTION 4. SAVING CLAUSE.

That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. AVAILABILITY.

The complete codified Township Zoning regulations and the Official Township Zoning Map, including the full text of all amendments, are available for inspection in the Township Hall in the Office of the Township Clerk at the Township Hall. Copies of the Zoning Map or the Zoning Ordinance text, as amended, are available for purchase. The documents can also be viewed and downloaded from the Township website at www.sciotownship.org.

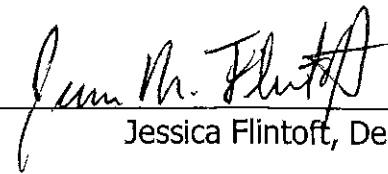
SECTION 6. EFFECTIVE DATE.

The provisions of this Ordinance are hereby ordered to take effect thirty (30) days following publication in a newspaper of general circulation within the Township. This Ordinance is hereby declared to have been adopted by the Township Board of Trustees of the Township of Scio in a meeting duly called and held on December 11, 2018.

TOWNSHIP OF SCIO,
WASHTENAW COUNTY, MICHIGAN



M. Jack Knowles, Township Supervisor



Jessica Flintoft, Deputy Clerk

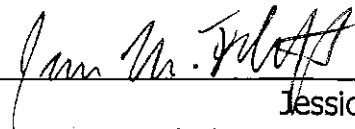
ADOPTED: December 11, 2018
PUBLISHED: January 3, 2019
EFFECTIVE: February 02, 2019

CERTIFICATION:

I, Jessica Flintoft, Deputy Clerk of the Township of Scio County of Washtenaw, Michigan, do hereby certify that the foregoing is a true and complete copy of Township Ordinance number 2018-05, an amendment to the Scio Township Zoning Ordinance, and was adopted by the Scio Township Board of Trustees on December 11, 2018 and given publication in the Washtenaw Legal News, a newspaper of general circulation, on January 3, 2019, following members of the Scio Township Board of Trustees voted as follows in connection with this resolution to adopt the above amendatory ordinance.

AYES: Palmer, Knowles, Martin, Green, Read, Knol,
NAYS: none,
ABSENT: Hedberg,

In witness hereof, I have hereunto affixed my official seal this 27, day of December, 2018.



Jessica Flintoft
Deputy Clerk, Township of Scio