

TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 2016-05

AN ORDINANCE SUMMARY AMENDING SECTIONS 36-5 AND 36-344 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 Sections 36-5 and 36-344 of the Township's Code of Ordinances, are hereby adopted:

- A. Sec. 36-5 Definitions.
Bluff means bank that rises at a slope of 33 degrees or greater from within 50 feet of the river's edge. The top of the bluff is the first riverward facing area (approximately parallel to the river) that breaks to a slope of less than 18 degrees for a distance away from the river of at least 25 feet.

- B. Sec. 36-344 (c); 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.

- D. Sec 36-344 (c) (3) c; The minimum riverfront lot width shall be 150 feet measured at the minimum building setback line.

- E. Sec 36-344 (c) (3) e. Natural river 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. A stairway shall be constructed using natural materials.
 - 5. 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.
 - 6. All stairways shall meet the current building codes and obtain necessary building permits.

F. Sec 36-344 (c) (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 a 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.

G. Sec 36-344 (c) (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 or 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 lunker, 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.

f. The proposed bank stabilization or fisheries habitat shall fulfill an identifiable need for erosion protection, bank stabilization, or fisheries habitat improvement.

H. Sec 36-344 (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.

(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.

I. Sec 36-344 (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.
- e. Summary of all outstanding violations of natural rivers' standards and the actions taken by the local unit of government to gain compliance at the site during the calendar year.

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.

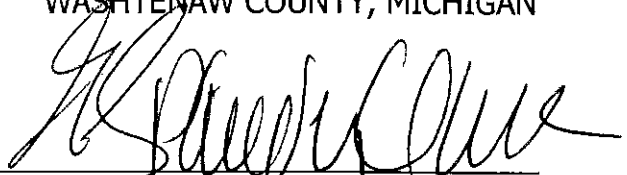
SECTION 5. AVAILABILITY.

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.twp.scio.mi.us.

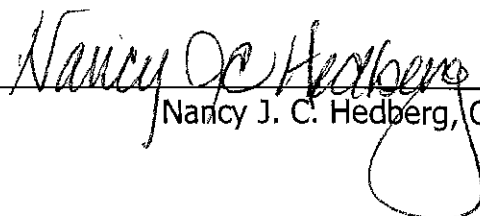
SECTION 6. EFFECTIVE DATE.

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 September 27, 2016.

TOWNSHIP OF SCIO,
WASHTENAW COUNTY, MICHIGAN



E. Spaulding Clark, Supervisor



Nancy J. C. Hedberg, Clerk

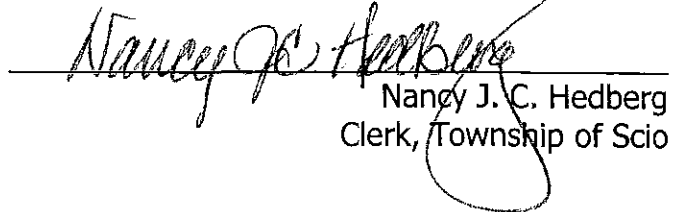
ADOPTED: September 27, 2016
PUBLISHED: October 27, 2016
EFFECTIVE: November 3, 2016

CERTIFICATION:

I, Nancy J. C. Hedberg, 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 2016-05, an amendment to the Scio Township Zoning Ordinance, and was adopted by the Scio Township Board of Trustees on September 27, 2016 and given publication in the Washtenaw Legal News, a newspaper of general circulation, on October 27, 2016 following members of the Scio Township Board of Trustees voted as follows in connection with this resolution to adopt the above amendatory ordinance.

AYES: Knowles, Palmer, Clark, Hedberg, Green and Read
NAYS: none
ABSENT: DeLong

In witness hereof, I have hereunto affixed my official seal this 21 day of October 2016.


Nancy J. C. Hedberg
Clerk, Township of Scio