



AMENDMENT TO WEBSTER TOWNSHIP ZONING ORDINANCE No. 08-11

Resolution No. 18-23

At a regular meeting of the Township Board of Webster Township, Washtenaw County, Michigan, held at the Webster Township Hall on June 20, 2023 the following resolution was offered by Harms and supported by Munzel.

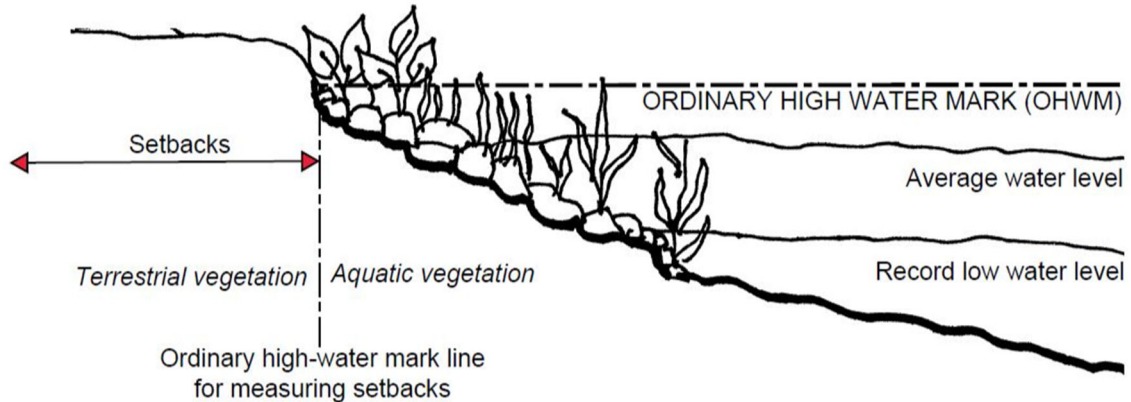
Ayes	Kingsley, Calleja, Scharf, Munzel, Harms, Westman & Vrsek
Nays	None
Absent	None

An Ordinance to amend Section 2.2, Section 16.05, Section 16.20 and multiple sections of Article 9 of Webster Township Zoning Ordinance to keep standards clear and current.

WEBSTER TOWNSHIP, WASHTENAW COUNTY, ORDAINS:

SECTION 1. Amendment to Township Zoning Ordinance, Article 2, section 2.10 , the definition shall be read as follows:

Ordinary High-Water Mark (OHWM). The term ordinary high-water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as stain on the rocks, trees along the shoreline of a waterway, change of vegetation from predominantly aquatic to predominantly terrestrial, or other appropriate means that consider the characteristics of the surrounding areas. When the soil, configuration of the surface, or vegetation has been altered by human activity, the ordinary high-water mark shall be located where it would have been if this alteration had not occurred, unless otherwise determined by Michigan Department of Environment, Great Lakes and Energy (MDEGLE). The Township may consult with any applicable departments, agencies or technical experts to verify OHWM determined by the land owner, or at the zoning administrator's discretion, the landowner shall retain a wetland professional or a similar professional to delineate the OHWM through a site survey.



SECTION 2. Amendment to Township Zoning Ordinance, Article 9, section 9.10 shall be amended to add a standard and shall be read as follows:

Section 9.10 Agriculture District (AG)

D. Design Standards

xii. Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 3. Amendment to Township Zoning Ordinance, Article 9, section 9.12 shall be amended to add a standard and shall be read as follows:

Section 9.12 Agribusiness District (AB)

D. Density, Placement and Height Regulations

xii. Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 4. Amendment to Township Zoning Ordinance, Article 9, section 9.15 shall be amended to add a standard and shall be read as follows:

Section 9.15 Rural Residential District (R-1)

D. Design Standards

xiv. Refer to Article 16 – Environmental Regulations for any additional applicable standards

SECTION 5. Amendment to Township Zoning Ordinance, Article 9, section 9.20 shall be amended to add a standard and shall be read as follows:

Section 9.20 Urban Residential District (R-2)

D. Design Standards

xii. Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 6. Amendment to Township Zoning Ordinance, Article 9, section 9.22 shall be amended to add a standard and shall be read as follows:

Section 9.22 Base Line Lake Residential District (BLLR)

D. Design Standards

xi. Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 7. Amendment to Township Zoning Ordinance, Article 9, section 9.25 shall be amended to add a standard and shall be read as follows:

Section 9.25 Multi-Family Residential District (R-3)

D. Design Standards

xvii. Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 8. Amendment to Township Zoning Ordinance, Article 9, section 9.30 shall be amended to add a standard and shall be read as follows:

Section 9.30 Planning and Development Regulations for Mobile Home Parks

B.9. Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 9. Amendment to Township Zoning Ordinance, Article 9, section 9.35 shall be amended to add a standard and shall be read as follows:

Section 9.35 Commercial District (C)

D. Design Standards (3) Density, Placement and Height Regulations

(g) Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 10. Amendment to Township Zoning Ordinance, Article 9, section 9.37 shall be amended to add a

standard and shall be read as follows:

Section 9.37 Office District (O)

D. (3) Density, Placement and Height Regulations

(g) Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 11. Amendment to Township Zoning Ordinance, Article 9, section 9.40 shall be amended to add a standard and shall be read as follows:

Section 9.40 Industrial District (I)

D. (5) Density, Placement and Height Regulations

(g) Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 12. Amendment to Township Zoning Ordinance, Article 9, section 9.50 shall be amended to add a standard and shall be read as follows:

Section 9.50 Public Land District (PL)

D. (3) Density, Placement and Height Regulations

(h) Refer to Article 16 – Environmental Regulations for any additional applicable standards.

SECTION 13. Amendment to Township Zoning Ordinance, Article 16, section 16.05 shall be read as follows:

Section 16.05 Intent

The preservation and enhancement of natural features is essential to maintaining Webster Township's rural character, ecological diversity, economic well-being and quality of life. The purpose of this Article is to assist applicants, reviewers, decision makers, and the general public in understanding how natural features may be identified, evaluated, protected and mitigated on sites being reviewed by the Planning Commission and/or Zoning Administrator. Construction or alteration of a residential dwelling not subject to review by the Planning Commission or Board is not subject to the general requirements listed in section 16.10.

SECTION 14. Amendment to Township Zoning Ordinance, Article 16, section 16.20 shall be amended in its entirety and read as follows:

A. Purpose and Intent.

The purpose of the Surface Water Protection Area 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. 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.

B. Applicability.

- (1) **Surface Water Protection Area.** The standards of this section are applicable to any development and any individual lot located within 100 feet from the ordinary high-water mark of all rivers, streams and lakes greater than 5 acres in area.
- (2) **Approving Body.** For the purpose of this section, the approving body is as follows:
 - (a) The Township Zoning Administrator for any single-family residential lot.
 - (b) The Planning Commission for any residential and non-residential development.
- (3) **Conflict of Standards.** In the event a conflict exists with other standards in the zoning ordinance, the stricter standard applies.
- (4) **Exceptions.** The requirements of this section apply to all principal and accessory structures or site improvements or any development commenced after the effective date of this Ordinance. Any development that obtained site plan approval, plat approval, or a building permit (which remains active) prior to the effective date of this Ordinance are subject to all requirements of this section, except the waterfront setback standards listed in subsection D of this section.
- (5) **Legal Non-conforming Detached Accessory Structures.** As part of the permit review, the approving body may require compliance of existing legal non-conforming detached accessory structures with the minimum setback and buffer requirements listed in section 16.20.D., unless strict compliance is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives that substantially achieve the purpose of this Section may be accepted by the approving body, provided the size of the parcel is insufficient to meet dimensional standards.

C. Prohibitions.

- (1) Commercial mining, extraction of soil materials, sand or gravel is prohibited within the Surface Water Protection Area.
- (2) Use of pesticides, herbicides, and fertilizers on lands within the Surface Water Protection Area is prohibited, in order to reduce the impacts on vegetation, fish, wildlife and water quality from improper use of such chemicals.

D. Minimum Waterfront Setbacks. All lots and any development within the surface water protection area shall be subject to the following minimum setback from the ordinary high-water mark of all rivers, streams and lakes greater than 5 acres in area shall be maintained as listed:

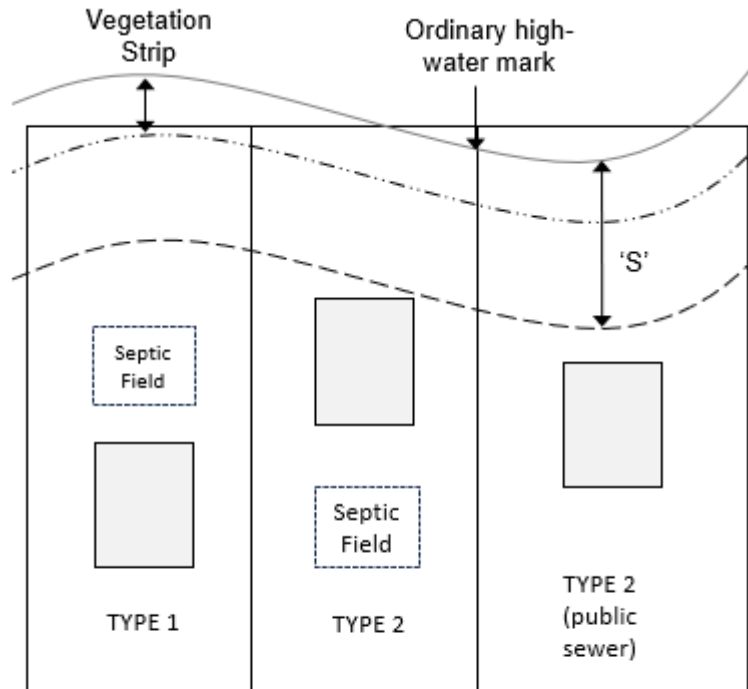


Fig. 16.20.D.minimum waterfront setbacks

S = 100 ft. minimum for Type 1 Lots

75 ft. minimum for Type 2 Lots

See Article 2 for definition of ordinary high-water mark

Type 1: This applies to all lots where septic field is located between the building and the OHWM Type 2: This applies to all lots with public sewer and lot with septic fields located in the front yard (non-water front yard)	Type 1	Type 2
	Minimum setback from the Ordinary highwater mark	
(1) Building & Site Improvements		
(a) Building: New constructions and additions	100 ft.	75 ft.
(b) Accessory Structures: New, existing, legal non-conforming or additions. See section B (5) for more details.	100 ft.	75 ft.
(c) Impervious Site Improvements: Parking lots (asphalt & gravel), paved pathways and sidewalks and outdoor storage areas etc.	100 ft.	75 ft.
(2) Vegetation Strip		
(a) Minimum width of vegetation strip (16.20.E)	25 ft.	25 ft.
(3) Minimum Setback Potential Water Pollution Hazards		
(a) Drain fields from on-site sewage disposal and treatment system (i.e., septic systems)	100 feet	
(b) Above or below ground petroleum storage facilities	150 feet	
(c) Storage of hazardous substances	150 feet	
(d) Raised septic systems	250 feet	
(e) Solid waste landfills or junkyards	300 feet	
(f) Confined animal feedlot operations	250 feet	

E. Vegetation Strip.

- (1) **Intent.** The intent of a vegetation strip is 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.
- (2) **Minimum Width.** A minimum of 25 feet wide vegetation strip shall be maintained from the ordinary high-water mark of all rivers, streams and lakes greater than 5 acres in area. The edge of the strip shall be parallel to the ordinary high-water mark line.
- (3) **Vegetation Requirements.** The strip shall ensure that a live root system that stays intact to provide for creek bank stabilization and prevent soil erosion. 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.
- (4) **Exceptions.** Pathways or boardwalks within the required buffer shall be prohibited, except a single access path from the residence to the lake may be permitted. Such path shall be installed using pervious material and shall be no wider than 4 feet for pedestrian access and no wider than 9 feet, if required for boat access.

F. Waivers

- (1) **Approving Body.** For all new or expansion of principal buildings on single-family lots with public sewer or lots with septic fields in the front yard, a waiver for reduction of minimum waterfront setbacks listed in section 16.20.D.1. may be granted by the approving body, when it determines that practical difficulties exist due to the parcel size or configuration, or where the design of the site would be enhanced by an alternative design solution while still meeting the intent of this Section.
- (2) **Request.** The applicant shall submit a written request for a waiver, that shall include specific reasons justifying the waiver and any other information necessary to evaluate the request.
- (3) **Conditions of Waiver.**
 - (a) In granting a request for a waiver, the approving body may require site design, landscape planting, the placement of signs, additional buffers, and the establishment of water quality best management practices or other mitigation measures in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.
 - (b) The reduction in minimum waterfront setback shall not exceed 25 ft. or the average setback, whichever is greater. Such waiver shall not permit new structures within the one hundred (100) year floodplain.

For lots located in BLLR district, the average setback is calculated as noted in section 9.22 of this ordinance.

For all other lots, the average setback is the average of the minimum distance from the waterfront(rear) lot line to the closest point on the lake-facing façade of each of the principal buildings on four lots (up to two lots on either side) within the Township Boundary.
 - (c) For each five feet of waterfront setback reduced, the applicant shall provide one additional foot of vegetation strip.

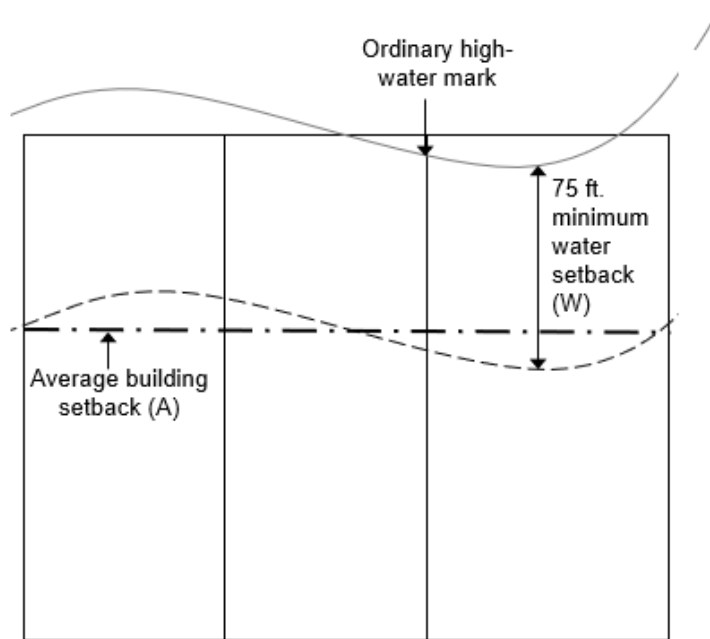


Fig. 16.20.F.(3) Conditions of waiver

Type 2 Single-family Lots

When $W > A$, the Planning Commission may allow a reduction that shall not exceed 25 ft. or 'A' per section 16.20.F.

- i. When $W < A$, the building shall comply with 'A'.

SECTION 14. Severability:

The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 15. Repeal:

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 16. Effective Date:

This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

ORDINANCE DECLARED ADOPTED.

John Kingsley, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Webster Township Board at a duly scheduled and noticed meeting of that Township Board held on _____ pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Sun Times newspaper, a newspaper that circulates within Webster Township, on _____.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Washtenaw County Clerk on _____, 2023.

ATTESTED:

Barbara Calleja, Township Clerk