

CHAPTER 23
N R NATURAL RIVERS OVERLAY DISTRICT

SECTION 23.01 PURPOSE AND DESCRIPTION The purpose of this district is to preserve and enhance the value of the Rogue River and its tributaries as follows:

- A. To promote the public health, safety and general welfare, to prevent economic and ecological damage due to unwise development patterns within the Natural River Zone, and to preserve the natural river district for the benefit of present and future generations.
- B. To protect the free-flowing conditions, fish and wildlife resources, water quality, scenic and aesthetic resources historical value and recreational opportunities of the Rogue River, Barkley Creek and adjoining land.
- C. To prevent flood damage due to interference with natural floodplain characteristics by excluding development which is vulnerable to flood damage, and which may reduce the capacity of the floodplain of the river to withstand flooding conditions.
- D. To provide for residential and other compatible, permitted uses that complement the natural characteristics of the natural river system.
- E. To prevent structures from being located on land unsuited for such development because of high groundwater, erosion, or vulnerability to flood damage.

The Natural River Zone shall be a strip of land 300 feet wide on each side of and parallel to the River's Edge of the Rogue River and Barkley Creek within Plainfield Township. The Natural River Zone shall also include those portions of the Rogue River and Barkley Creek located within Plainfield Township.

In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Chapter shall be applicable to all development occurring within the Natural Rivers Overlay District. Conflicts between the requirements of this chapter and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this chapter except where the conflicting requirement is more stringent, in which case the more stringent requirement shall apply.

SECTION 23.02 DEFINITIONS For purposes of this Chapter, the following words and terms shall have the meaning ascribed to them by this Section unless the context in which they are used specifically indicates otherwise.

- A. Appurtenance or accessory building means a structure or other improvement that is incidental to a single-family dwelling, including all of the following:
 - a. Garages
 - b. Residential Storage Sheds or Barns
 - c. Pump Houses
 - d. Private Access Roads
 - e. Sanitary Facilities
 - f. Wells
 - g. Electrical Service Lines
- B. Bluff means a steep bank which rises sharply from the river's edge.

- C. Cutting Edge of the River means the edge of a river or stream where the water velocity is such that it may cause soil or stream bank erosion.
- D. Floodplain means land lying within an identified or documented 100-year floodplain line.
- E. Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel which are required to carry and discharge a 100-year flood.
- F. Ordinary High Water Mark means the line between the upland and bottomland which persists through successive changes in water level and below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.
- G. River's Edge means the ordinary high watermark as defined in MCLA 324.30101 as enacted by Act No. 59 of Public Acts of 1995, being MCL 324.20101 et seq. of the Michigan Compiled Laws.
- H. Setback means the required horizontal distance between any portion of a structure and the river's edge, measured at the structure's closest point to the river's edge.
- I. Structure means anything that is constructed, erected, or moved to or from any premise which is located above, on, or below the ground including buildings, roads, signs, billboards, satellite antennas and other communication structures, fences, and mobile homes.

SECTION 23.03 USE REGULATIONS Land and/or buildings in this zone may be used for the following purposes only:

- A. Single-family dwelling and appurtenances.
- B. Camping and other recreational activities which do not require the construction of permanent facilities within 150 feet of the river's edge of the Rogue River or 100 feet ~~from~~ of a designated tributary.
- C. Operating of non-motorized watercraft upstream from West River Drive,
- D. Fishing and hunting in compliance with existing laws and regulations.
- E. Reforestation.
- F. Underground gas and utility lines (subject to the provisions of Section 23.07(C)).
- G. Agricultural pursuits, unless the Bureau of Water Management determines that such pursuit will contribute to degradation, in which event such use shall not be closer than 50 feet from the river's edge of the Rogue River and 25 feet from the river's edge of its tributaries.
- H. Licensed motor vehicles are only permitted on existing public and private roads and designated trails on land owned by the Federal Government, State of Michigan, or any subdivision thereof.

- I. Disposal fields and septic tanks which are located not less than 100 feet from the water's edge and which are in conformance with local, county and state health codes and the provisions of this ordinance.
- J. Other uses determined by the Planning Commission to be similar in nature.

SECTION 23.04 SECONDARY OR INCIDENTAL USES Such uses which are secondary or incidental to the principal use permitted in the Zoning Ordinance shall be allowed subject to the following requirements and restrictions:

- A. Docks: Docks may be constructed neither to exceed 6 feet in width nor more than 20 feet in length. No dock shall extend toward the center of the river or the tributaries more than 4 feet from the river's edge.
- B. Utility lines to service single-family dwellings.
- C. Signs: Only those signs necessary for (i) identification, (ii) direction, (iii) resource information and (iv) regulation of use are permitted along public use areas of the designated river and tributaries. Signs advertising the sale of products or services are prohibited on private property in the zone. Signs must be stationary with no moving parts. Signs shall not be illuminated unless it can be demonstrated that illumination is necessary for the purposes of traffic safety or other such purposes, in which case the Community Development Department may approve an illuminated sign.

SECTION 23.05 HEIGHT REGULATIONS No building shall be erected to exceed two and one-half stories or 35 feet in height, whichever is lesser

SECTION 23.06 AREA REGULATIONS No building or structure or appurtenance thereto including septic systems shall be hereafter erected or constructed unless the following yards and building coverage requirements are provided and maintained.

- A. Setback - 150 feet measured horizontally from the river's edge on the main stream except that a building or structure may be erected or constructed five feet closer to the river's edge for each foot of vertical bank height exceeding 10 feet until a minimum of 100 feet is reached. Provided, however, that no such structure or building shall be erected closer to the river than 25 feet from the top of a bluff on the non-cutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.
- B. Designated Tributary Setback - 100 feet measured horizontally from the tributary edge on the main stream.
- C. New structures shall not be located on land that is located within the floodplain.
- D. The minimum lot width shall be 200 feet.
- E. No building shall be placed on lands within 30 feet of the river's edge where the highest ground water table is within six feet of ground surface.
- F. A 50-foot minimum restricted cutting belt shall be maintained on each side of the Rogue River mainstream, and a 25-foot minimum restricted cutting belt shall be maintained on each side of any tributary. Clearcutting in the natural vegetation strip is prohibited. Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, may be

removed. Selective removal and/or trimming of trees and shrubs for timber harvesting, landscaping, pruning for a filtered view of the river or public utility facilities is permitted for trees of less than six inches in diameter measured at a height of 4 feet from the ground provided prior approval from the Community Development Department is obtained.

SECTION 23.07 SPECIFICALLY PROHIBITED ACTIONS AND USES

- A. Cutting, trenching of soil, filling or building in a flood plain.
- B. Stream alteration (damming, dredging, filling, channelization, enlarging or diminishing a stream or stream improvements) without the express written consent of the Department of Natural Resources as required by Act No. 59 of Public Acts of 1995, being MCL 324.20101 et seq. of the Michigan Compiled Laws.
- C. Utilities:
 - 1. No gas, oil pipelines, telephone, cable television, or electric transmission lines shall be permitted in the Natural River District or to cross the designated river and tributaries except on existing right-of-ways, without prior written consent of the Natural Resources Commission.
 - 2. New gas, electric, cable television or telephone utility extensions to individual consumers shall not cross the Rogue River or its tributaries located within the Natural River district or front yards within said district unless they are placed underground and such utilities shall serve individual consumers from the side of the dwelling which is most distant from the river.
- D. Access:
 - 1. No vehicular access to the river or its tributaries other than those legally existing as of the effective date of this ordinance shall be permitted.
 - 2. No public or private road other than those legally existing as of the effective date of this ordinance shall be permitted in this zone.
 - 3. No public or private road in this zone shall be relocated or improved until plans therefore have been approved by the Natural Resources Commission or its successor.
 - 4. No driveway access to private property shall be permitted without prior approval of the Community Development Department. The Community Development Department in granting or denying such approval shall consider the following:
 - a. Will drive cause or contribute to erosion.
 - b. Will location of drive contribute to the country scenic atmosphere of the Rogue River and its tributaries and be screened and separated from other driveways and roads.
 - 5. Driveway access shall not be permitted within 150 feet of the main stream or within 100 feet of the designed tributaries. Provided, however, where the setback is less than 150 feet as permitted in Section 20.04 (A)

driveway access shall be permitted to the edge of the dwelling most distant from the river.

- E. Mining and extractive industries and uses.