

Banks Township

Ordinance Number XX of 2020

An Ordinance to amend the Banks Township Zoning Ordinance Articles III and VI pertaining to the Ordinary High Water Mark and Greenbelt Regulations. Text that is currently in the zoning ordinance that is deleted is shown in red with a ~~strikethrough~~, while text that is added to the zoning ordinance is shown in red. Revisions requested at the December 2020 PC meeting are included in blue text. Text that is currently in the zoning ordinance that is retained is in normal font.

THE TOWNSHIP OF BANKS HEREBY ORDAINS:

Section 1. Amendment of Article III

Article III: Definitions is hereby amended to modify the definition of ordinary high water line and add the definition of inland lakes and streams, **invasive species, and noxious weeds** as follows:

~~Inland Lakes and Streams: Means a natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain as defined by the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. Inland lake or stream does not include the Great Lakes or a lake or pond that has a surface area of less than five acres.~~

Ordinary High Water Line: The line between upland and bottomland which persists through successive changes in water levels, 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 soil and the vegetation. ~~On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten year flood limit line.~~

- ~~1. Lake Michigan: For the purposes of this Ordinance, the Ordinary High Water Mark along Grand Traverse Bay shall be 580.5 feet above the International Great Lakes Datum 1985, as established by the U.S. Army Corps of Engineers and defined by the Michigan Natural Resources and Environmental Protection Act, as amended.~~
- ~~2. Inland Lake and Streams: Means a level established by law or the ten-year flood limit boundary, whichever is the highest established elevation.~~

Invasive Species: means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health. (Federal Executive Order 13112)

Noxious Weed: a weed which is considered to be harmful to the environment and human health, especially one which may be the subject of regulations governing attempts to control it.

Section 2. Amendment of Article IV

Article IV: General Provisions, Section 4.11 Greenbelt is hereby amended as follows:

41 To preserve natural resources, water quality and community scenic and recreational values, a greenbelt
42 shall be established and maintained on all waterfront property. The greenbelt shall include all the land
43 area located within ~~twenty-five (25) feet~~ **twenty-five (25) feet** ~~to fifty (50) feet~~ of the ordinary high water mark of a lake or a
44 stream abutting or traversing the property in question. Within the greenbelt, the following development
45 or use restrictions shall apply:

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47 1. No structures shall be allowed except for boathouses, launching ramps and docking facilities
48 including steps and retaining walls, and such facilities shall meet the side yard setback for the
49 district in which they are located. No boathouse shall exceed twelve (12) feet in height above
50 the ordinary high water mark.
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52 2. No dredging, **excavation**, or filling shall be allowed except for reasonable sanding of beaches
53 **and/or lakeshore abatement remediation** where permitted by state or federal law.
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55 3. The use of asphalt, concrete, wood or other similar surfaces shall be limited to walkways or
56 stairs necessary for water access or boat launch ramps.
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58 4. The use of fertilizers is prohibited. Pesticides and herbicides shall not be used, except as
59 required to manage invasive species as noted in subsection 9 below.
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61 5. Leaves, grass clippings, and similar yard and garden wastes may not be burned or stored.
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63 6. Neither septic tanks nor septic system filtration fields may be located within the greenbelt.
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65 7. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on at
66 least seventy percent (70%) of the lake or stream frontage within the greenbelt. Beach sand,
67 gravel, cobblestone or rock may be substituted for vegetated areas where these materials
68 naturally exist **on the subject property**.
- 69
70 8. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the
71 process of developing a water frontage parcel.
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73 9. **Banks Township will use the "Field Identification Guide to Invasive Plants in Michigan's Natural**
74 **Communities" as published by the Michigan State University Extension Office, as periodically**
75 **revised, to determine what constitutes a "native species" from an "invasive species." Invasive**
76 **species listed in these guidelines are prohibited within the greenbelt. ~~No invasive species shall~~**
77 **~~be planted in the greenbelt. Existing invasive species shall be identified and managed using~~**
78 **~~appropriate best management practices as determined by the appropriate state or federal~~**
79 **~~agency.~~**
- 80
81 10. **Vegetation within the greenbelt shall be maintained in a natural state. The removal or pruning of**
82 **native trees, shrubs, or other vegetation, and the mowing of grasses and herbaceous plants shall**
83 **be prohibited within the natural shoreline buffer with the following exceptions:**
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85 a. **Pruning to remove dead portions of trees, shrubs, or other vegetation.**
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87 b. **Removal of dead trees, shrubs, or other vegetation, however, the root systems shall be**
88 **left in place for shoreline stabilization.**

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- c. Removal of invasive species as identified by the Field Identification Guide to Invasive Plants in Michigan’s Natural Communities, including, Autumn Olive, Black and Pale swallow-worts, Black Locust, Canada Thistle, Common buckhorn, Garlic mustard, Glossy buckhorn, Japanese barberry, Japanese knotweed, Leafy spurge, Oriental bittersweet, and Wild parsnip.
 - d. Removing limbs and/or branches from living trees up to a height of twelve (12) feet above grade and trimming herbaceous plants that exceed a height of four (4) feet above grade to allow property owners to maintain or establish views of the lake.
 - e. Clearing and removal of vegetation to accommodate a walkway, a deck or patio structure, and/or to provide reasonable water access.
 - f. Removal of noxious weeds, including, but not limited to, ragweed, poison ivy, poison sumac, purple loosestrife, wild carrot, and gooseberry.
11. No lawn shall be maintained within the greenbelt.
12. No more than 15% of the greenbelt may be impervious surface.

110 **Section 3. Effective Date.**

111 This Ordinance shall become effective eight (8) days after being published in a newspaper of general
112 circulation within the Township, unless later date is specified.

113 Township of Banks

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115 By: _____ By: _____

116 Alex Busman, Supervisor Donna L. Heeres, Clerk

117 Adoption date: Month XX, 2020

118 Effective date: _____

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