



## If you own property along the river, or you just bought a house with river frontage, here are some things you need to know...

- **'Riparian'** refers to lands bordering along a natural water feature such as a lake, river, or stream, and the wetland areas adjacent to rivers and streams.
- Within South Branch Township, riparian parcels have been designated as an overlay zoning district, commonly known as the **Stream Corridor Overlay (SCO)**. All parcels located, either partially or entirely, within 400-feet of a river are designated as being within the SCO zoning district, even if they do not have frontage on the water.
- South Branch Township Zoning Ordinances specific to riparian parcels follow the same regulations set forth in the Department of Natural Resources ['Natural Rivers Zoning Rules'](#) as authorized by the State of Michigan in the Natural Rivers Act of 1970, now known as Part 305 of PA 451 of 1994.
- Parcel orientation for riparian parcels is such that the waterfront edge of the lot is designated as the 'front' lot line regardless of how the primary dwelling may be situated on the parcel. Non-riparian parcels are designated such that the lot line which borders the roadway of access to the parcel is the 'front' lot line.
- All new construction within the SCO district is required to have a **minimum 200-foot front setback**. No new construction is allowed within 200 feet of the water's edge without an approved dimensional variance from the SBT Zoning Board of Appeals.
- All 'front' setback measurements are measured relative to the **'Ordinary High Water Mark'** (OHWM) which is defined as... *"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."*
- Riparian parcels have a **75-foot deep, buffer zone** along the front lot line commonly called the "Natural Vegetation Strip," or "Native Vegetation Buffer Zone," within which the natural vegetation shall remain undisturbed, not mowed or removed, and only selectively pruned for a 'filtered view of the river' for a width of not more than 50 feet wide. (See Section 3.09.1 of the SBTZO)

- Within the 75-foot Natural Vegetation Strip (NVS), removal of any dead, diseased, or unsafe tree, noxious plant or shrub is allowed as an “exempt” use and does not require a zoning permit. Assistance with determination of the condition of trees or noxious plants/shrubs can be obtained by contacting the [MSU Extension office in Crawford County](#), and is **highly encouraged prior to any cutting within the NVS**.
- Removal of live, non-diseased, healthy trees, which are not considered to be unsafe, is prohibited within the 75-foot Natural Vegetation Strip.
- Trees that have fallen from the river bank into the stream channel, blocking navigation for river recreation and emergency response crews, or which are contributing to erosion by deflecting flows into streambanks, may be cleared if necessary, according to the guidelines of the ‘Clear and Open Method’ as prescribed by the EGLE. If desired, the use of cable and anchor to permanently secure wood in the stream channel, is allowed but requires a permit from EGLE. Contact [Huron Pines](#) for additional info.
- Camping is prohibited within the 75-foot Natural Vegetation Strip.
- Excavation within 500 feet of the water’s edge requires a **soil erosion prevention plan** and a county issued and approved permit from the [Crawford County Building Dept.](#)
- Riparian landowners have a right to access the river from their property and may obtain permits to construct, from natural materials, one each of the following if necessary, to facilitate access to the river:
  - One private **boat dock**; not to exceed 48 square feet in area with not more than 4 feet extending over the edge of the river.
  - One **stairway** down an embankment; not to exceed 4 feet in width, with no more than one handrail.
  - One **boardwalk**; not to exceed 3 feet in width, shall not contain any handrails and shall not be more than 12 inches above grade.
- Any construction planned for a location in a **wetland area**, within the **floodplain**, or at the **land-water interface**, requires an approved permit issued by the [EGLE \(formerly the DEQ\)](#) **PRIOR** to applying for a zoning or building permit.
- New septic systems must have an approved and issued permit from the [District Health Department #10](#) and shall not be located within 150 feet of the OHWM. New systems may not be located closer to the OHWM than the dwelling which they service, and cannot be located within lands subject to flooding.
- **Legal nonconforming structures** may be enlarged if so desired, but only in accordance with all of the following:
  - The nonconformity is not increased, such as expanding the structure toward the river system.
  - The enlargement does not exceed 50% of the ground floor area as of the date the structure obtained its legal nonconforming status. *For most homes, this calculation would be derived using the ground floor area that existed as of when the home was originally constructed, or as of the original enactment date of our SBT Zoning Ordinance (March 28<sup>th</sup> 2008), whichever occurred last.*
  - The enlargement does not increase its height above the allowable standard. *If the enlargement requires the addition of a second story to a legal nonconforming structure that was formerly only one story, a SBT Zoning Board of Appeals variance approval is required.*