

**TOWNSHIP OF SAUGATUCK  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. 2021-02**

**AN ORDINANCE TO AMEND ZONING SECTION 40-637 AND 40-780(C)(5) OF CHAPTER 40 OF THE CODE OF ORDINANCES, TOWNSHIP OF SAUGATUCK, MICHIGAN, TO GENERALLY PROHIBIT MANMADE WATERBODIES OVER A QUARTER ACRE IN SIZE, EXCEPT WHEN DEVELOPED IN CONJUNCTION WITH A PUD, GOLF COURSE, OR MINING OPERATION, OR WHEN NEEDED FOR AGRICULTURAL IRRIGATION**

The Township of Saugatuck Ordains:

Section 1. Amendment. Zoning section 40-637, entitled "Ponds," is hereby renamed "Manmade Waterbodies" and is amended to read as follows:

**Sec. 40-637. Manmade Waterbodies.**

- (a) In recognition of the potentially harmful impacts of waterbody creation, a manmade waterbody with a surface area over a quarter acre in size, as measured from ground level, shall be permitted in the Township only in the following circumstances:
- (1) When the waterbody is developed in conjunction with a planned unit development (PUD) approved by the Planning Commission;
  - (2) When the waterbody is developed in conjunction with a golf course special approval use granted by the Planning Commission;
  - (3) When the waterbody is developed as part of the reclamation plan for a mineral extraction special approval use granted by the Planning Commission;
  - (4) When the applicant establishes, to the satisfaction of the zoning administrator, that the waterbody is being developed to serve as an approved water source for firefighting, as required by the Township's fire code, and that it is not oversized for the achievement of that purpose;
  - (5) When the applicant establishes, to the satisfaction of the zoning administrator, that the waterbody is being developed as an irrigation pond, which shall mean for purposes of this section an impounded water source created by constructing an embankment or excavating a pit that is necessary to provide water for the irrigation of crops or livestock operations as part of farming activity conducted in accordance with Generally Accepted Agricultural and Management Practices (GAAMPs) promulgated by state authorities, and that it is not oversized for that purpose.
- (b) All manmade waterbodies, including those with a surface area under a quarter acre, shall require a permit issued by the zoning administrator prior to construction. Such permits shall be subject to the following rules and regulations:
- (1) The property owner shall submit an application to the zoning administrator on a standard form promulgated by the Township. Each application shall be accompanied

by a process plan, which shall depict or describe how spoils will be managed on site or hauled off site during the excavation project, and a site plan, which shall depict the proposed waterbody and surrounding topographical conditions at the conclusion of the project. The application shall also be accompanied by an applicable permit fee in an amount set by resolution of the Township Board.

- (2) There shall be a side and rear yard setback of at least fifty (50) feet from the edge of the excavation to the property lines. There shall be no excavation within the required front yard setback.
- (3) A minimum setback of fifty (50) feet shall be maintained from the edge of excavation to the nearest point of any dwelling or accessory building and twenty-five (25) feet from any driveway.
- (4) There shall be a minimum setback from any well, any septic tank and tile disposal field of at least one hundred (100) feet.
- (5) The waterbody may occupy no more than twenty percent (20%) of the lot upon which it is placed.
- (6) At least one side of all manmade waterbodies shall be constructed with a maximum slope of 5:1 (five feet horizontal to one foot vertical). In no case shall any other slope exceed 3:1.
- (7) Discharge of water from a manmade waterbody shall be controlled through the engineering of an outlet to an appropriate natural waterway or County Drain.
- (8) No manmade waterbody shall be located directly beneath an overhead electrical line, wire or conductor, nor within ten (10) feet horizontally of any overhead electrical line.
- (9) The zoning administrator or planning commission may require a detailed drainage plan, prepared by a professional registered civil engineer, where the zoning administrator determines such a plan is necessary to ensure that the proposed waterbody and associated placement of spoils on-site will not negatively impact drainage patterns both on and off the site.
- (10) The zoning administration or planning commission reserves the right to request the review and comment of any professional engineer, environmental consultant or others at the expense of the applicant.
- (11) The zoning administrator or planning commission may impose reasonable conditions on the management of spoils on-site during the course of the excavation project, which may include restricting spoils to designated portions of the site, imposing limitations on the height of spoil piles, or requiring the use of brine or other solutions to prevent the blowing of sediment. When excavated materials are to be hauled off the site, the zoning administrator may impose reasonable conditions on the proposed hauling operation, which may include conditions regarding the hours of operation, hauling route, etc.
- (12) On-site dispersal of excavated material that remains onsite at the conclusion of construction shall be in accordance with the following requirements:

- (A) Excavated materials shall be contoured or used to create berms with a maximum slope of 1:3. The berm shall not exceed thirty-six inches in height and shall be located a minimum of twelve (12) feet from the edge of the waterbody. The outer edge of any such berm shall be setback at least fifteen (15) feet from property lines.
  - (B) Where excavated materials are bermed or otherwise will result in an increase in grade, the materials shall be contoured to avoid interruption of the horizon by the top layer of the redistributed materials.
  - (C) All excavated material shall be suitably graded and seeded or otherwise covered with grass or other living groundcover so as to prevent erosion and to visually incorporate redistributed excavated materials into the surrounding landscape.
- (13) The zoning administrator or planning commission may require a performance bond to be posted by the applicant prior to issuance of a permit to insure completion of all required improvements. The amount of such performance bond shall be in the zoning administrator's reasonable discretion.
  - (14) All manmade waterbodies shall be completed according to the approved plan within six (6) months of issuance of the permit. The zoning administrator or planning commission may grant one six (6) month extension of the permit where the applicant shows that substantial progress is being made.
  - (15) Within 2 months of completion of any waterbody more than a quarter acre in size, an as-built topographic survey of the waterbody at the top of slope and water level with distances to the nearest property lines, prepared by a professional surveyor registered in the State of Michigan, shall be provided to the Township. Cross sections of the manmade waterbody may be required to verify depth of water.
  - (16) Applicants shall obtain any other permits that may be required for the creation of the waterbody, which may include soil erosion permits from county authorities or mining or inland lake permits from state environmental regulators.
  - (17) Escrow accounts shall be established for the review of manmade waterbody applications.
- (c) For purposes of this section, a dry detention basin or other stormwater management facility that is only intended to hold water intermittently shall not be considered a manmade waterbody. Stormwater management facilities that retain or detain water on a permanent basis shall be considered manmade waterbodies and shall be less than a quarter acre in size, unless approved as part of a PUD or unless a variance is granted by the zoning board of appeals.

Section 2. Amendment/Addition. Zoning Section 40-7 is amended to add the following definition:

*Manmade waterbodies.* Water accumulated via artificial, constructed means, including ditches, swales, lakes, and ponds that has or is designed to have standing water for more than 72 hours following a rain event.

Section 3. Amendment/Addition. Zoning Section 40-780 is amended to add the following subsection (c)(5), which provides an additional standard for residential PUDs:

As recommended by the Planning Commission on August 30, 2021

**Sub. Sect. 40-780(c)(5):**

*Manmade waterbodies.* For any proposed manmade waterbody within a residential PUD, the applicant shall submit a signed statement by a licensed engineer explaining, to the satisfaction of the Planning Commission, that the proposed waterbody is needed to control stormwater runoff within the development, and that it is not oversized for the achievement of that purpose. Manmade waterbodies shall comply with the requirements of Section 40-637.

Section 4. Effective Date. This ordinance shall become effective seven days after its publication unless otherwise provided by law.

YEAS: Helmrich, Osman, Aldrich, Marcy

NAYS:

ABSTAIN:

ABSENT: Bigford

**CERTIFICATION**

This is a true and complete copy of Ordinance No. <sup>2021-02</sup> adopted at a regular meeting of the Township of Saugatuck Board held on Sept. 8, 2021.

Cindy Osman, Township Supervisor

Abby Bigford, Township Clerk