

**PROPOSED ZONING ORDINANCE AMENDMENT NO. 73  
for Planning Commission Public Hearing 01/03/2017**

**Goals: Move all waterfront related ordinance to one article, format, and review standards**

## **PROPOSED FINAL APPEARANCE**

### **ARTICLE XIV WATERFRONT PROPERTY**

#### **14.10 SHARED WATERFRONT EASMENTS**

In the event that a waterfront property is used for shared easement the following conditions shall apply:

- A.** A waterfront property accessed by one single family off-water unit shall have a minimum of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet.
- B.** An additional fifty (50) feet of continuous frontage on the water is required for each additional off water lot, condominium unit, or dwelling.

#### **14.11 BOARDMAN RIVER VALLEY**

The following special requirements shall apply to all properties within 50 feet of the Boardman River and its tributaries.

- A.** A managed vegetative strip shall be maintained within fifty (50) feet of the water's edge, as follows:
  - 1.** This vegetative strip shall consist of native trees, shrubs, and other vegetation and materials.
  - 2.** Existing native vegetation should be preserved whenever possible.
  - 3.** No ponds shall be constructed, no earth moved, surface soils removed or filled for building within the managed vegetative strip.
  - 4.** Utility lines shall be installed only as follows:
    - a) New distribution lines for utilities within the housing setback line shall be placed underground unless overhead lines are less disruptive to the environment.
    - (b) Brushy vegetation shall be restored to the disturbed area in the managed vegetation strip.
    - (c) Local service lines to private dwellings shall originate from the landward side of the dwelling.
    - (d) Chemical control of vegetation shall be prohibited within the managed vegetative strip.

**PROPOSED ZONING ORDINANCE AMENDMENT NO. 73**  
**for Planning Commission Public Hearing 01/03/2017**

5. Fencing, grazing, riding trails and soil tilling for farm crops is prohibited within the managed vegetative strip.
6. The use of the managed vegetative strip for stock watering areas and stream crossing of horseback trails is subject to the approval of the Zoning Administrator, who may require a plan from the Soil Conservation District, or Department of Environmental Quality (DEQ) as part of the requirement for use.

**B.** Any variance from these standards shall be in accordance with a plan approved by the Zoning Board of Appeals. In evaluating such applications, the Zoning Board of Appeals shall consider all relevant factors pertaining to the purpose of the vegetative strip which is to:

1. stabilize the river banks
2. prevent erosion
3. absorb nutrients in water runoff from adjacent lands
4. provide shading for the stream to maintain cool water temperature
5. screening adjacent man-made structures.

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**ARTICLE XIV**  
**EASEMENT TO WATERFRONT PROPERTY**

**14.10 MINIMUM AREA AND FRONTAGE. SHARED WATERFRONT EASEMENTS**

~~In the event any land having water frontage is used for easement or beach purposes and does not contain any structure then it shall have a minimum area of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet when said lot is used by one off water lot or unit containing a single family dwelling. An additional fifty (50) feet of continuous frontage on the water is required for each additional off water lot or condominium unit in excess of one. If permitted off water multi family dwellings and or condominium units shall be subject to the standards listed above per single family dwelling or condominium unit.~~  
(Reorganized with no change in standards)

In the event that a waterfront property is used for shared easement the following conditions shall apply:

- A. A waterfront property accessed by one single family off-water unit shall have a minimum of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet.

**PROPOSED ZONING ORDINANCE AMENDMENT NO. 73**  
**for Planning Commission Public Hearing 01/03/2017**

- B. An additional fifty (50) feet of continuous frontage on the water is required for each additional off water lot, condominium unit, or dwelling.

**14.11 6.13 SPECIAL REQUIREMENTS. BOARDMAN RIVER VALLEY**

The following special requirements shall apply to all properties within 50 feet of the Boardman River and its tributaries. ~~described in Article V, Section 5.10 of this Ordinance.~~

- A. A managed vegetative strip shall be maintained within fifty (50) feet of the water's edge, as follows:

1. ~~This~~ vegetative strips shall consist of native trees, shrubs, ~~and other~~ vegetation and other natural materials.

2. Existing native vegetation should be preserved whenever possible.

~~Cutting of existing trees and shrubs shall not be allowed.~~

~~except in accordance with a plan approved by the Zoning Board of Appeals. In passing upon such applications, the Zoning Board of Appeals shall consider all relevant factors pertaining to the purpose of the vegetative strip which is: to stabilize the river banks, prevent erosion, absorb nutrients in water runoff from adjacent lands, provide shading for the stream to maintain cool water temperature and screening of adjacent man-made structures. (Moved to 14.11B)~~

(Note: This would prohibit the removal of invasive species, dead or diseased timer. etc. without appearance before and approval of the ZBA.)

3. No ponds shall be constructed, no earth moved, surface soils removed or filled for building within the managed vegetative strip.

4. Utility lines shall be installed only as follows:

a) New distribution lines for utilities within the housing setback line shall be placed underground unless overhead lines are less disruptive to the environment.

(b) Brushy vegetation shall be restored to the disturbed area in the managed vegetation strip.

(c) Local service lines to private dwellings shall originate from the landward side of the dwelling.

(d) Chemical control of vegetation shall be prohibited within the managed vegetative strip.

5. Fencing, grazing, riding trails and soil tilling for farm crops is prohibited within the managed vegetative strip.

**PROPOSED ZONING ORDINANCE AMENDMENT NO. 73  
for Planning Commission Public Hearing 01/03/2017**

6. The use of the managed vegetative strip for stock watering areas and stream crossing of horseback trails is subject to the approval of the Zoning Administrator, who may require a plan from the Soil Conservation District, or Department of Environmental Quality, DEQ, as part of the requirement for use.

**B. (Moved from 6.13A2 above)** Any variance from these standards shall be in accordance with a plan approved by the Zoning Board of Appeals. In ~~passing upon~~ evaluating such applications, the Zoning Board of Appeals shall consider all relevant factors pertaining to the purpose of the vegetative strip which is to:

1. stabilize the river banks
2. prevent erosion
3. absorb nutrients in water runoff from adjacent lands
4. provide shading for the stream to maintain cool water temperature
5. screen ~~ing~~ of adjacent man-made structures.

**Existing Article 14**

**ARTICLE XIV  
EASEMENT TO WATERFRONT**

**14.10 MINIMUM AREA AND FRONTAGE.**

In the event any land having water frontage is used for easement or beach purposes and does not contain any structure then it shall have a minimum area of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet when said lot is used by one off-water lot or unit containing a single family dwelling. An additional fifty (50) feet of continuous frontage on the water is required for each additional off water lot or condominium unit in excess of one. If permitted off water multi-family dwellings and or condominium units shall be subject to the standards listed above per single family dwelling or condominium unit.

**Existing – Article VI – Residential R-1**

**6.13 SPECIAL REQUIREMENTS.**

The following special requirements shall apply to the Boardman River and its tributaries described in Article V, Section 5.10 of this Ordinance.

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**A.** A managed vegetative strip shall be maintained within fifty (50) feet of the water's edge, as follows:

- 1.** This vegetative strip shall consist of native trees, shrubs, and other vegetation and materials.
- 2.** Cutting of existing trees and shrubs shall not be allowed except in accordance with a plan approved by the Zoning Board of Appeals. In passing upon such applications, the Zoning Board of Appeals shall consider all relevant factors pertaining to the purpose of the vegetative strip which is: to stabilize the river banks, prevent erosion, absorb nutrients in water runoff from adjacent lands, provide shading for the stream to maintain cool water temperature and screening of adjacent man-made structures.
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- 5.** Fencing, grazing, riding trails and soil tilling for farm crops is prohibited within the managed vegetative strip.
- 6.** The use of the managed vegetative strip for stock watering areas, stream crossing of horseback trails is subject to the approval of the Zoning Administrator, who may require a plan from the Soil Conservation District as part of the requirement for use.