

## **CHAPTER 14**

### **NATURAL RIVER (NR) OVERLAY DISTRICT**

**SECTION 14.01 DESCRIPTION AND PURPOSE.** The standards contained in this Chapter are intended to govern the use and alteration of land in accordance with the Lower Kalamazoo River Natural River Plan adopted June 11, 1981 by the Michigan Natural Resources Commission and in order to accomplish the following objectives:

- (a) To protect water quality and the habitat quality of the rivers and streams in Heath Township thereby protecting the public health, safety and general welfare.
- (b) To maintain the integrity and stability of stream banks by providing for effective vegetative buffers adjacent to stream corridors and by prohibiting excavation and building activities within a specified distance from stream banks and the contiguous to streams wetlands.
- (c) Protect the natural character and appearance of streams, stream corridors and their contiguous wetlands, which contribute to the valued natural character of the community, its quality of life and its property values.
- (d) Permit and encourage property owners to enhance native vegetation along riparian corridors in the Township.

**SECTION 14.02 APPLICABILITY.** The standards contained in this Chapter shall be applicable to land located within the specified distances measured from the specified water courses as follows:

- (a) Land within 300 feet of each side of the Kalamazoo River and Rabbit River as measured from the ordinary high water mark.
- (b) Land within 200 feet of each side of the, Bear, Sand and Silver Creeks.

### **SECTION 14.03 PERMITTED USES.**

- (a) Mining, new industrial or commercial uses and buildings, and expansion of existing industrial or commercial uses and buildings is prohibited, except as permitted on appeal by the Township Zoning Board of Appeals.
- (b) Private boat docks of a reasonable size and configuration that does not impede flow or navigability of the stream are permitted, if designed, constructed and maintained with indigenous natural material.
- (c) Septic tanks and absorption fields shall be installed in accordance with Allegan County Health Department regulations.
- (d) Existing agricultural practices are permitted within the natural vegetation strip provided they do not contribute to the river's degradation. Cattle crossings and watering areas shall be constructed according to accepted methods after consulting with the Soil

Conservation Department, County Extension Service and/or Department of Natural Resources.

**SECTION 14.04 DEVELOPMENT STANDARDS.** Land regulated within this Chapter shall be subject to the following development standards and restrictions.

- (a) New lots and parcels created within the Natural River District must be created in accordance with other provisions within this zoning ordinance and those provisions applicable to the underlying zoning district
- (b) Building Setbacks.
  - (1) For land within 300 feet of each side of the Kalamazoo River and Rabbit River the building setback (as measured from the ordinary high water mark at the river's edge) for new structures including accessory buildings, shall be a minimum of 200 feet from the ordinary high water mark, except that the setback may be decreased three feet for every foot of vertical bank height above the ordinary high water mark, to a minimum of 75 feet. No building shall take place on lands subject to flooding.
  - (2) For land within 200 feet of each side of Bear, Sand and Silver Creeks the building setback (as measured from the ordinary high water mark at the river's edge) for new principle building structures shall be a minimum of 100 feet and the minimum building setback for new accessory buildings shall be 50 feet. These setbacks may be decreased three feet for every foot of vertical bank height above the ordinary high water mark, to a minimum of 60 feet for principal buildings. Accessory buildings may not extend into the 50 foot natural vegetation strip. No building shall take place on lands subject to flooding
- (c) A natural vegetation strip of 50 feet shall be maintained on each side of the river as measured from the ordinary high water mark.
  - (1) Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed.
  - (2) Trees and shrubs may be pruned for a view of the river upon approval by the local zoning administration.
  - (3) Clear cutting is not allowed in the natural vegetation strip.

**SECTION 14.05 EXISTING LOTS OF RECORD.** If a lot of record within the Natural Rivers District is too small to comply with the setback requirements, then such lot may be used only if authorized by the Township Zoning Board of Appeals by granting a variance. In considering such a variance the Zoning Board of Appeals shall determine the following:

- (a) Granting the variance is not contrary to public interest.
- (b) The variance applies to circumstances unique to the property in question.
- (c) Granting of the variance will not result in damage to any other property due to altering the flood plain.

- (d) Whether a practical or physical hardship exists to the owner if a variance is not granted.

**SECTION 14.06 REZONING NOTIFICATION.** The Natural Rivers Section of the Michigan Department of Natural Resources and Environment shall be notified of all requests for rezoning, variances and special land uses within the Natural River (NR) Overlay District. Notice shall be made to the MDNRE by mail not less than twenty-one (21) days before the scheduled public hearing.