

Property Owners with Flat River Frontage:

The Flat River is designated by the State of Michigan as a "Natural River", a program administered by the Department of Natural Resources (DNR). The purpose of a natural river designation is to preserve and enhance the area for water conservation, its free flowing condition, its fish, wildlife, boating, scenic, aesthetic, floodplain, ecologic, historic, and recreational values and uses. The Flat River Zoning District is designated as 300 feet out from and along the ordinary high water mark of the river and its creek tributaries. The first 25 feet from the ordinary high water mark is called the Natural Vegetation Strip. Setbacks for buildings and structures must be a minimum of 100 feet from the waters edge with an additional 50 feet if a bluff lot. This means that all structures including sheds, decks, pools, etc. should all be located at least 100 feet from the water's edge. The only exceptions are docks in the river and boardwalks in the water and river access stairs down a hill to the water's edge which require a specific permit from the Township.

At the time of designation of the Flat River as a Natural River by the State of Michigan, there were a few properties that had lawns up to the rivers edge and docks different from the current ordinance. These properties were grandfathered by the State and can maintain their docks and lawns to the waters edge. The Township issues permits for docks, boardwalks, and river access stairs with certain sizes and locations through the application process.

The Natural Vegetative Strip of 25 feet deep from and along the river's edge is a protected area to be left nearly in its natural state. According to the Natural Rivers Administrator from the State, if a person takes a boat trip along the river, the shoreline should have a relatively consistent look to it. This means each property line should not be clearly visible by means of changes in the trees and shrubs and plant life. It is preferred by the State that minimal impact stairs, pathways and docks to and from and at the water's edge be not more than 4 feet wide when established. The State does not permit cleared areas for the storage of boats and docks and they should be stored above the 25-foot natural vegetative strip. If a public or private boat launch ramp is available, then any desired larger boats should be taken in and out of the water at those locations. Only dead, diseased, unsafe or fallen trees or poisonous plants may be removed in this protected 25-foot strip. Any requested removal of vegetation outside of the above requires Zoning Administrator approval. A small amount of pruning is allowed. Homes should be mostly screened from the river by this natural vegetation.

Land alterations are not permitted within the natural vegetation strip, the face and crest of the bluff and the area between the crest of the bluff and the minimum building setback line shall not be altered. Only wood chips or a wooden stairs for river access are allowed in these areas. No sidewalks or other improved surface paths or decks are allowed in the river setback area.

The County of Kent owns various properties adjacent to and along the Flat River. These areas are primarily in the vicinity of the dam and backwater of the Flat River around Burroughs and Flat River Dr. The County also owns other properties abutting McPherson and Beckwith and including Fallasburg Park. These properties are of various sizes and include strips of land along the shoreline varying in widths of fifty to several hundred feet. The River Bluff home development abuts one of these 50 foot strips of land bordering the river, which means that the lot owners in their development do not own river frontage. There are other private properties that abut some of these strips as well such as on Flat River Dr. The Township has a large plat map that is available for anyone to review to see where these strips are located along the river. Aerial maps are available to look up a property on www.accesskent.com.

Please see the drawing showing the various river setbacks. Parts of the Flat River have regulations on slow no wake areas for boat speeds. The two ordinances specifying the locations are enclosed.

Call Jeanne Vandersloot, Zoning Administrator, at 616-897-5671 or email zoning@vergennewtp.org for any questions or applications. The Township office is open on Mondays and Wednesdays from 9:00 am to 3:00 pm and Thursdays from 9:00 am to noon.

River

Setbacks

Shoreline

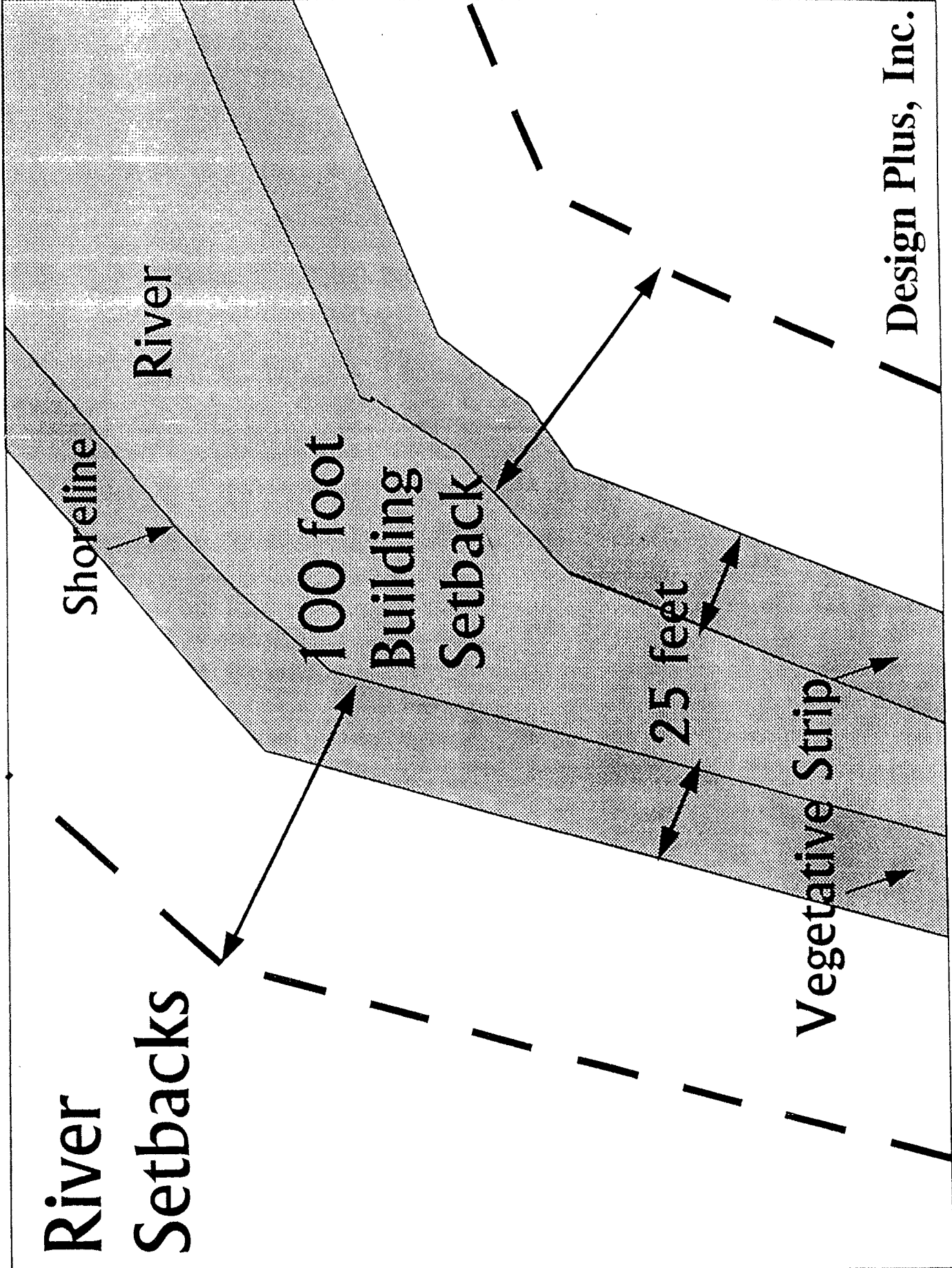
River

**100 foot
Building
Setback**

25 feet

Vegetative Strip

Design Plus, Inc.



Vergennes Township
Definitions From the Zoning Ordinance Pertaining to Flat River Lots
The Flat River Ordinance Follows the Definitions

Appurtenance: means a structure or accessory building incidental to a principal or exempt use including all of the following: (i) Detached garage. (ii) Residential storage shed. (iii) Barn and other agricultural storage and livestock structure. (iv) Pump house. (v) Private access roads and driveway. (vi) Electrical service line.

Bankfull: means the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing.

Bluff: means a bank that rises at a slope of 33 degrees or greater from within 10 feet of the river's edge. The crest of the bluff is the first riverward facing area (approximately parallel to the river) that breaks to a slope of less than 18 degrees for a distance away from the river of at least 25 feet. If an existing flat area begins at the water's edge before rising into the bank, the bluff setback does not apply.

Bridge: means any structure of any span length designed to provide a pedestrian, vehicle, livestock, or any other stream crossing, including but not limited to, a culvert, open bottom arch, and clear-span or multi-span structure.

Building height: The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

Cutting edge of the river: means the outside bend of a river or stream channel where the water velocity is such that it may cause soil or stream bank erosion.

Designated Natural River: means a river designated by the director under the authority of part 305, natural rivers, 1994 PA 451, MCL 324.30501 to 324.30515.

Filtered view of river: Maintenance or establishment of woody vegetation of sufficient density to screen new development from the river, provide for stream bank stabilization and erosion control, serve as an aid to infiltration of surface runoff and provide cover to shade the water. It need not be so dense as to completely block the river view. It means no clear cutting.

Grade: As applicable to buildings, that surface of the earth or finished material located immediately adjacent to the structure.

Impervious surface: means a surface, including a paved and unpaved driveway, deck, rooftop, road, patio, swimming pool, or parking lot, that does not allow storm water to infiltrate the ground.

Lot area: The total horizontal area included within lot lines. However, "lot area" shall not include land lying below the ordinary high water mark of a lake, river or pond which is not totally enclosed within the boundary lines of the lot. (Also see article V, section 201.503, Variances.) Where a front, rear or side lot line lies in part or in whole in a public right-of-way or private road easement, the lot area shall not include that part of the lot within said right-of-way or easement.

Lot, front line: That side of the lot abutting upon a public or private street right-of-way or abutting on a river or lake. In the case of a corner lot, either street right-of-way may be

considered the front line of the lot, provided at least one driveway opening adjoins the street which is parallel to the front lot line and the official address of the lot is the street parallel to the front lot line.

Ordinary high watermark: 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 surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of an ordinary high water mark, it means the natural ordinary high water mark.

Permanent dock, stairway, boardwalk: A structure located within the FR District that is attached to the ground or riverbed and is not intended to be moved seasonally.

River Access Dock: means a seasonal or permanent platform constructed of primarily natural materials located at the water's edge or extending into the river channel, intended for securing and facilitating access to watercraft or to facilitate access to deeper water for swimming, fishing, or other water-oriented recreational activity and does not include a wall, railing, a storage locker, an attached bench, or any similar structure attached thereto. A seasonal dock is not permanently attached to the riverbed and is intended to be moved seasonally. A permanent dock is attached to the riverbed and is not intended to be moved seasonally.

River access boardwalk: A permanent walkway constructed primarily of natural materials used to provide access to the river where a marshy area is present, and no other access point is available; which does not exceed three (3) feet in width nor does it exceed the length determined by the Zoning Administrator needed to reach the river's edge.

River access stairs: A permanent stairway constructed primarily of natural materials on steep slopes to the river where no other environmentally sound footpath access is feasible; which does not cut into the stream bank; which does not exceed four (4) feet in width and allows transitional landings between stair sections.

River stairs transitional landing: One or more horizontal areas not exceeding four (4) feet in width to connect sections of stairs for topography and safe stair step rise and run.

Setback: The minimum horizontal distance on a lot or parcel that a building or structure (or any portion thereof) situated thereon is required to be located from the front line, side line and rear lot line or if the lot or parcel abuts the Flat River from the ordinary high water mark of the river or crest of a bluff, and for a lake, measured from the outside edge of the building to the nearest point of intersection with the front line or ordinary high water mark of the lake.

Structure: means anything constructed, erected, or moved to or from any lot and located above, on, or below the ground, including a building, mobile home, road, boardwalk, sign, billboard, satellite dish greater than 32 inches in diameter, any communication structure, ornamentation or a fence. Within the Flat River District, an enclosed, self-contained camping unit is not considered a structure if on site fewer than 30 days per calendar year and if located landward of the natural vegetation strip in the Flat River District, or if the structure is located on a campsite within a campground

licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, if both the individual campsite and the campground were established before the effective date of these rules.

Temporary dock: A landing for riparian access that is located within the FR District, not permanently attached to the riverbed and is intended to be moved seasonally.

Wetland: means land characterized by the presence of hydric soils or water at a frequency and duration sufficient to support wetland vegetation or aquatic life as defined in the wetlands protection act, part 303, 1994 PA 451, MCL 324.30301 to 324.30329.

Wetland, Regulated: Shall have the same meaning as set forth in Act 451 of the Public Acts of 1994, as amended. A regulated wetland shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is and of the following:

1. Connected to or located within five hundred (500) feet of an inland lake or pond, or a river or stream.
2. Not connected to or located within five hundred (500) feet of an inland lake or pond, or river or stream, but more than five (5) acres in area.

201.307 "FR" Flat River District. (Amended 2017-05)

3.07.

- A. *Statement of Purpose and Description.* The "FR" District as established to preserve, protect and enhance the river environment in a natural state for the use, and enjoyment of present and future generations, and to ensure that any development which may occur shall be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream by regulating the use of land along the waterway. This district consists of land lying within three hundred (300) feet from the ordinary high water mark on each side of and paralleling the Flat River, including the river water area and all designated streams flowing through the Township as defined in 201.307 H. The State of Michigan designated the Flat River as a Natural River in November of 1979 under the provisions of the Natural Rivers Part 305, 1994 PA 451.

The Flat River District is established as an overlay zoning district. Such district is construed as not to be a separate and distinct district, but a secondary district which overlays those parts of the following underlying districts: "R-A", "R-1", "R-2", "R-3", etc., which are adjacent to the Flat River. In all cases, applicants for zoning and/or building permits in the Flat River District must meet all requirements of the underlying district, receive their respective permit, and in addition, must conform to the additional provisions, requirements and restrictions of the Flat River District. Where there is conflict between other provisions of this Ordinance and those specifically applied to the Flat River District, the latter shall control.

- B. *Permitted Uses.*

1. Single or two family dwellings as permitted in the underlying District in which the particular use is proposed.
2. Essential Services (See Section 4.11).
3. River Access Docks. Construction of docks along the Flat River is discouraged because of the visual impact to the Natural River and potential hazards to anglers and watercraft users. Vergennes Township regulates permanent structures on land within the Flat River District. Temporary structures in the river itself are also regulated by Vergennes Township with guidance from the Natural Rivers Program Administrator of the Michigan Department of Natural Resources. Permanent structures placed in the river itself are regulated by Vergennes Township with consultation and approval by the Michigan DEQ.
 - a. River Access Dock. One (1) dock per parcel containing a residence is permitted if necessary to provide safe and ecologically sound access for riparian landowners. A portion of the dock will be constructed within the setback from the river. Owner must obtain a zoning compliance permit from Vergennes Township prior to installation or construction, and may need a permit from the Michigan Department of Environmental Quality depending upon individual circumstances.
 - (1) Docks constructed seasonally on the natural course of the river, or within the No-Wake-Zone where the river is less than five hundred (500) feet in width may not exceed four (4) feet in width with no more than four (4) feet extending over the water, nor longer than twelve (12) feet in length extending along the shoreline. Previously approved zoning permits for docks 16 feet in length may remain and be maintained.
 - (2) Docks constructed in the No-Wake Zone within the portion of the river defined as the "No-wake Zone", and where the river is over five hundred (500) feet in width, the length of temporary docks may be such as to allow access to a river depth of up to three (3) feet, but not to exceed fifty (50) feet in length out into the water. Permanent docks needing to extend over four (4) feet into the water in this portion of the river require a permit and review from the Michigan Department of Environmental Quality.
 - (3) Docks shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.
 - b. River Access Stairs. Stairways are permitted if there is no other safe, feasible, environmentally sound footpath

access to the river. A stairway shall be low-profile, not more than 4 feet wide and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate. A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building codes. Not more than 1 handrail shall be associated with a stairway unless for safety purposes a handrail is needed on both sides. A stairway shall be constructed using natural materials. A stairway shall be located and maintained to blend with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized. Replanting of native vegetation around the disturbed areas are required. A zoning compliance permit and building permit are required prior to construction.

- c. River Access Boardwalk. One (1) boardwalk per parcel containing a residence associated with a footpath to the river's edge placed only in an area that is generally too wet to be traversed without significant disturbance of the soils is permitted; constructed within the setback from the river; all parts shall be constructed of natural materials; must be low profile with top of boardwalk not more than twelve (12) inches above grade without disturbing natural plant and animal habitats; which does not exceed three (3) feet in width nor does it exceed the length determined by the Zoning Administrator needed to reach the river's edge, a handrail is allowed on each side for safety; must obtain a zoning compliance permit and a building permit from Vergennes Township prior to construction, and may need a permit from the Michigan Department of Environmental Quality if constructed within the 100-year floodplain or wetlands.

- 4. Improved park, when direct access is provided from a public paved road.
- 5. Unimproved park.

C. *Special Exception Uses.*

- 1. Any use permitted in the underlying District in which the particular use is proposed, EXCLUDING, HOWEVER, mining operations, wireless communication facilities, barns, stables, silos, concentrated livestock or poultry operations (see Section 201.304,C, 2)
- 2. Accessory Dwelling subject to section 201.441.

D. *Height.* No residential or other building shall exceed the lesser of thirty-five (35) feet or two and one-half (2 1/2) stories.

E. *Lot Area and Lot Width.* The minimum lot area and lot width for use in this

District shall be not less than the minimum lot area and lot width of the underlying district in which the particular use is proposed.

F. *Setback and Side Line Spacing.* The setback and side line spacing requirements in this District shall be not less than the setback for front and side line spacing requirements of the underlying district in which the particular use is proposed, AND IN ADDITION, the following special requirements shall apply:

1. *Building and Structure Setback From River.* There shall be a setback of one hundred (100) feet from the ordinary high water mark or twenty-five (25) feet from the identified 100-year floodplain line, whichever results in the greatest distance from the edge of the water and, further, that for parcels with a shoreline constituting a bluff, as defined in Section 201.202, Definitions (Bluff), new buildings, structures and appurtenances must additionally be set back not less than fifty (50) feet from the top of the bluff.
2. *Sanitary Facilities Setback From River.* All septic tanks, drain fields and other sanitary facilities shall be set back a minimum of one hundred (100) feet from the ordinary high water mark or twenty-five (25) feet from the identified one hundred (100) year floodplain line, whichever results in the greatest distance from the edge of the river. Such facilities shall meet the requirements for Kent County Health Department approval specified in Chapter 4, Section 201.421, and, in addition, the bottom of the absorption field shall not be less than four (4) feet above the ordinary high water table.
3. *Natural Vegetation Strip (Greenbelt).* A natural vegetation strip not less than twenty-five (25) feet in width measured perpendicular to the ordinary high water mark shall be maintained along, parallel to and on each side of the Flat River and its tributaries. This vegetation strip or greenbelt shall be left in its natural state and shall consist of native trees, shrubs and vegetation which shall not be killed, destroyed, removed or moved, provided, however, that dead, diseased, unsafe or fallen trees, and poisonous plants may be removed, and provided further, that trees, shrubs and vegetation may be selectively trimmed or pruned for landscaping purposes to provide a filtered view of the river not more than 50 feet wide parallel to the river, so long as a root system remains intact to provide for stream bank stabilization and erosion control, and to serve as an aid to infiltration of surface runoff, AND so long as sufficient natural vegetation is retained to provide cover to shade the water and to maintain the vegetation strip essentially in its natural condition. Up to a four (4) foot wide footpath may be cut through the strip leading to a single point on the river's edge and placement of wood chips in the path are permitted. Mowing is prohibited in the natural vegetation strip except in an area maintained in a mowed condition before the effective date of these rules. Any island in any stream segment is subject to the natural

vegetation strip standards as described in these rules. Camping, except for tent camping, is not permitted in the natural vegetation strip. A motorized vehicle shall not be operated off road in the natural vegetation strip except for an existing or approved boat launch. Selected removal or trimming of trees for timber harvest, access or woodlot improvement, landscaping, or public utility lines to service dwellings is permitted upon approval of the zoning administrator after consultation with the State Natural Rivers Administrator.

4. *Access to and Use of Property for Recreational Purposes.* Development and use of private land along the Flat River and its tributaries for recreational purposes such as hunting, fishing, camping and picnicking shall be at the discretion and under the control of the owner of the land subject to the conditions, limitations and restrictions applicable in this District, and access to the Flat River and its tributaries across private land shall be subject to the discretion and control of the owner of the land, provided, however, that no canoe rental, canoe livery or other business or commercial activity involving the lease or rental of canoes, boats or other watercraft shall be permitted to operate in or from this District except that any such proposed use shall be deemed a Special Exception Use and shall be subject to the Special Exception Use Standards and Procedures set forth in Chapter 5 [201.500] of this Ordinance.
 5. *Land Alterations.* Land alterations shall not occur within the natural vegetation strip except for the placement of wood chips for a foot path. The natural contour of the face and crest of the bluff shall not be altered. The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities. No improved surface paths are allowed except for wood chips or a stairs in the river setback. A seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited in the river or bank edge.
 6. *Advertising Signs and Billboards Prohibited.* No advertising signs or billboards of any size or type shall be erected or maintained in this District.
 7. *Boating and Canoeing.*
 - a. Non-motorized boating and canoeing is permitted.
 - b. Use of motorized watercraft will be permitted in accordance with local controls promulgated under the Marine Safety Act, MCLA 324.8010 Et. Seq., FKA MCLA 281.1001. Such local controls consist of the Flat River Slow-No Wake Ordinances.
- G. *Floor area requirements.* Residential buildings in this district shall comply with the floor area requirements set forth for the R-2 District.

H. *Flat River Boundaries.* The boundaries of the Flat River and its tributaries in Vergennes Township are as follows:

1. The mainstream of the Flat River from the entrance into the Township into section 1 from Ionia County to the northern limits of the city of Lowell in section 35, T7N, R9W.
2. Clear creek from Lincoln Lake avenue in section 27, T10N, R9W to its confluence with Coopers creek.
3. Coopers creek from Lincoln lake Avenue, in section 34, T10N, R9W to its confluence with the Flat River.
4. All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (1) to (3) of this rule.
- (5) The lands lying within 300 feet of the river's edge as described in subdivisions (1) to (4) of this rule.

FLAT RIVER SLOW-NO WAKE ORDINANCE
ORDINANCE NUMBER 94-2

An ordinance to regulate the speed of vessels on portions of the Flat River and to provide penalties for the violation thereof.

THE TOWNSHIP OF VERGENNES, KENT COUNTY, MICHIGAN ORDAINS:

- Section I. Title. This Ordinance shall be known and cited as the Vergennes Township Flat River Slow-No Wake Ordinance.
- Section II. Definitions. All words or phrases in this Ordinance shall have the same meaning as ascribed to such words or phrases by the Michigan Marine Safety Act, MCLA 281.1001 et seq., as amended from time to time.
- Section III. Slow No-Wake Regulation. On the waters of the Flat River, in Section 24 (upstream limit is the "covered bridge"), section 25 and section 26 (downstream limit is the STS power dam), Town 7N Range 9W, Vergennes Township, Kent County, it is unlawful for the operator of a vessel to exceed a slow-no wake speed.
- Section IV. Penalties. Any person who shall violate this Ordinance shall be guilty of a misdemeanor punishable by imprisonment for a period of time not exceeding ninety (90) days or a fine not to exceed \$500 or both, in the discretion of the court, together with costs of such prosecution.
- Section V. Effective Date. This Ordinance shall become effective thirty (30) days after publication.

Board Member Weber , supported by Board Member Cook , moved the adoption of the foregoing Ordinance.

Yeas: Board Members 5

Nays: Board Members 0

ORDINANCE ADOPTED

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township of Vergennes' Board held on April 11, 1994. A true copy of the Ordinance may be purchased or inspected at the Vergennes Township Hall located at 10381 Bailey Drive, Lowell, Michigan.

Township of Vergennes
Jean Hoffman, Clerk

AS Adopted 2/19/07

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

SPECIAL LOCAL WATERCRAFT CONTROL

Regulation No. 41 – Kent County

WC - 41 - 06 - 002 Flat River: SLOW-- NO WAKE SPEED

On the waters of the Flat River, being that portion as it extends southerly from the Flat River Drive bridge to the upstream Lowell City Limits known locally as the "Boy Scout" property, to the nearest opposite shore as posted. All located within sections 25, 26, 35, 36, town 7 north, range 9 west, township of Vergennes, county of Kent, state of Michigan, it is unlawful for the operator of a vessel to exceed a slow--no wake speed.

Slow--no wake speed means a very slow speed whereby the wake or wash created by the motorboat would be minimal.

The boundaries of the area described immediately above shall be marked with signs and/or or with buoys. All buoys must be placed as provided in a permit issued by the Department of Natural Resources and be in conformance with the State Uniform Waterway Marking System.

Mari Stone

Vergennes Township Clerk