

Zoning Ordinance

Bark River Township

Delta County, Michigan

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Table of Contents

ARTICLE I ZONING	5
SECTION 101 SHORT TITLE	5
SECTION 102 CONTRUCTION OF LANGUAGE.....	5
SECTION 103 DEFINITIONS	6
SECTION 104 SEVERABILITY	13
ECTION 105 EFFECTIVE DATE	13
SECTION 106 RELATIONSHIP TO OTHER LAWS	13
SECTION 107 ADMINISTRATIVE STANDARDS	14
SECTION 108 APPLICATION OF THIS ORDINANCE.....	14
SECTION 109 ACCESSORY USES AND STRUCTURES	15
SECTION 110 EXEMPTIONS	15
ARTICLE II ZONING DISTRICTS	16
SECTION 201 ESTABLISHMENT OF DISTRICTS	16
SECTION 202 DISTRICT R-1	16
SECTION 203 DISTRICT R-2	17
SECTION 204 DISTRICT R-3	18
SECTION 205 DISTRICT RR	19
SECTION 206 DISTRICT C-1	20
SECTION 207 DISTRICT I	21
SECTION 208 DISTRICT AP	22
SECTION 209 RECREATIONAL USES.....	23
SECTION 210 PUBLIC LAND.....	24
ARTICLE III GENERAL REGULATIONS	26
SECTION 301 HEIGHT AND PLACEMENT REGULATIONS	26
SECTION 302 ZONING DISTRICT BOUNDARY SETBACK REGULATION	27
SECTION 303 MINIMUM STANDARDS FOR DWELLING UNITS.....	27
SECTION 304 OFF-STREET PARKING REQUIREMENTS	29
SECTION 305 REQUIRED OFF-STREET LOADING SPACES	30
SECTION 306 SITE PLAN APPROVAL REQUIREMENTS	31
SECTION 307 REQUIRED FORM OF AND INFORMATION ON SITE PLAN	31
SECTION 308 SITE PLAN REVIEW PROCESS AND STANDARDS	32
SECTION 309 PLANNED UNIT DEVELOPMENT	33
SECTION 310 WIRELESS COMMUNICATION FACILITIES AND ATTACHED WIRELESS COMMUNICATION FACILITIES.....	34
SECTION 311 APPLICABILITY OF LANDSCAPE REQUIREMENTS	37
SECTION 312 REQUIRED PLANTING SCREENS	37
SECTION 313 PLANTING SCREEN SPECIFICATIONS	37
SECTION 314 TIME OF COMPLETION.....	38

SECTION 315 GRADING.....	38
SECTION 316 OUTDOOR WOOD BURNING BOILERS AND APPLIANCES	38
ARTICLE IV NONCONFORMING USES AND STRUCTURES	39
SECTION 401 DEFINITION AND CLASSIFICATION OF NONCONFORMING USES AND STRUCTURES	39
SECTION 402 PROCEDURE FOR OBTAINING CLASS “A” DESIGNATION, CONDITIONS	39
SECTION 403 REVOCATION OF CLASS “A” DESIGNATION.....	39
SECTION 404 REGULATIONS PERTAINING TO CLASS “A” NONCONFORMING USE AND STRUCTURES	39
SECTION 405 REGULATIONS PERTAINING TO CLASS “B” NONCONFORMING USES AND STRUCTURES	40
ARTICLE V ZONING BOARD OF APPEALS	41
SECTION 501 MEMBERSHIP AND MEETINGS	41
SECTION 502 DUTIES AND POWERS.....	42
SECTION 503 VARIANCES	43
SECTION 504 APPEALS	44
ARTICLE VI CONDITIONAL USE PERMITS	45
SECTION 601 CONDITIONAL USE PERMIT APPLICATION PROCEDURE	45
SECTION 602 CONDITIONS AND APPROVALS OF A CONDITIONAL USE PERMIT	45
SECTION 603 GENERAL STANDARDS FOR REVIEW OF CONDITIONAL USE PERMITS	46
SECTION 604 CONDITIONS AND SAFEGUARDS IN THE ISSUANCE OF A CONDITIONAL USE PERMIT	48
SECTION 605 APPEALS OF CONDITIONAL USE PERMITS	49
ARTICLE VII ZONING ADMINISTRATION.....	50
SECTION 701 FEES.....	50
SECTION 702 ZONING ADMINISTRATOR	50
SECTION 703 ZONING COMPLIANCE PERMITS.....	50
SECTION 704 SPECIAL ZONING ORDERS BOOK AND MAP	50
SECTION 705 VIOLATIONS, PENALTIES AND PROCEEDINGS	51
SECTION 706 ADMINISTRATIVE PROCEDURES AND PUBLIC NOTIFICATIONS	51
SECTION 707 STANDARDS FOR HEARINGS AND ZONING ADMINISTRATION	54
SECTION 708 ZONING MAPS	55
SECTION 709 BARK RIVER ZONING MAP.....	55
SECTION 710 BARK RIVER UNINCORPORATED ZONING MAP	55
SECTION 711 SCHAFFER (UNINCORPORATED) ZONING MAP	55
SECTION 712 INTERPRETATION OF THE ZONING MAP	55

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ARTICLE I ZONING

THE TOWNSHIP OF BARK RIVER HEREBY ORDAINS:

An Ordinance to promote the public health, safety, and general welfare in accordance to establish zoning districts and regulations governing the development and use of land within Bark River Township, Delta County, Michigan, in accordance with the provisions of the Zoning Enabling Act 110 of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Administrator and a system of intergovernmental cooperation in ordinance administration; to provide for a Planning Commission and for its powers and duties; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for resolution of conflicts with other ordinances or regulations.

SECTION 101 SHORT TITLE

- A. This Ordinance shall be known and may be cited as the Zoning Ordinance of the Township of Bark River.

SECTION 102 CONTRUCTION OF LANGUAGE

- A. The following rules shall apply to the text of this Ordinance.
1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical works and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
 5. The word “use” includes the words “structures” and “buildings” associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future tense and words in the singular number shall include the plural.

7. The word “building” includes the words “structure” and “dwelling.”
8. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be occupied.”
9. The word “lot” includes the words “plot” and “parcel.”
10. The word “person” includes any firm, association, organization, partnership, trust corporation, or similar entity, as well as an individual.
11. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
12. Whenever a reference is made to several sections and the section number is connected by the word “to,” the reference includes both sections whose numbers are given and to all intervening sections.
13. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either . . . or,” the conjunction shall be interpreted as follows:
 - a. “and” indicates that all connected items, conditions, provisions, or events shall apply.
 - b. “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. “either . . . or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

SECTION 103 DEFINITIONS

1. **ACCESSORY BUILDING**, means a building or structure customarily incidental and subordinate to the principal and use and located on the same lot as the principle use.
2. **ASSISTED LIVING FACILITY**, means a residence for the frail elderly that provides rooms, meals, and personal care. Other services, such as recreational activities, financial services, and transportation, may also be provided.
3. **ATTACHED WIRELESS COMMUNICATION FACILITIES**, means wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks or utility poles.

4. **BED AND BREAKFAST**, means a single-family detached dwelling, containing eight or fewer sleeping rooms available for rental to transient tenants for less than 15 consecutive nights. Guest accommodations shall be subordinate to the principal use of the dwelling as a single-family residence. Breakfast shall be served to guests at no additional cost; other meals may be served in accordance with P.A. 112 of 1987, as amended.
5. **CARPORT**, means a shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.
6. **CAR WASH**, means a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for that purpose.
7. **CHURCH**, means a building wherein persons regularly assemble for religious worship which is used only for such purposes and those accessory activities as are customarily associated therewith.
8. **CLINIC**, means a place where medical or dental care is provided to persons on an outpatient basis by four or more doctors or dentists.
9. **CO-LOCATION**, means the location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.
10. **CONDITIONAL USE PERMIT**, means a permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
11. **CONVENIENCE STORE**, means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. A convenience store may be operated in combination with an automobile/gasoline service station.
12. **DAY CARE CENTER**, means a day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under P.A. 116 of 1973.
13. **DWELLING**, means any building or part thereof occupied as home, residence, or sleeping place of one or more persons either permanently or temporarily, but

including trailer coaches, motels, garage homes, basement homes, tents, or similar unconventional structures.

14. **FAMILY**, means an individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
15. **FAMILY DAY-CARE HOME**, means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
16. **FEASIBILITY OF CO-LOCATION**, means that the wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay such rates; the site on which co-location is being considered is able to provide structural support; and the co-location is considered technically reasonable.
17. **FLOOR AREA**, means total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breeze ways, attics without floors, and open porches, balconies, and terraces.
18. **FLOOR AREA RATIO**, means the percentage of lot area to the floor area of all buildings, excluding the floor area of garages, carports, and breeze ways, and excluding the area of any floor four feet below the average grade where no part is used as sleeping rooms or quarters.
19. **FLOOR SPACE**, means the floor area of all floors as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding there from common halls, stairwells, sanitary facilities, and storage and other areas to which patrons do not have regular access.
20. **FRONT LOT LINE**, means a line dividing a lot from any public highway except a limited or controlled access highway to which the lot has no access.

21. FUR FARM, means the place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
22. GARAGE, means a fully enclosed building for the storage motor vehicles, not including buildings in which fuel is sold or repair or other services are performed.
23. GAS STATION, means a place where motor vehicle fuels are sold at retail.
24. GROUND COVERAGE RATIO, means an intensity measured as a ratio, derived by dividing the gross floor area of a building(s) by the lot area.
25. GROUP DAY-CARE HOME, means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
26. HEIGHT, means the vertical distance from the highest point on a structure, excepting any chimney, or antenna, on a building, to the average ground level grade where the walls or other structural elements intersect the ground.
27. HIGHWAY, means any public thoroughfare, including roads and streets, but not alleys.
28. HOME OCCUPATION, means a use conducted entirely within a enclosed building, employing only the inhabitants thereof, and not more than one other person, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, any activity involving any building alterations, window display, construction features, equipment, machinery, or outdoor storage any of which is visible from off the lot on which located.
29. HOTEL, means a structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, and motels, but not Including hospitals and nursing homes.
30. INTENSIVE AGRICULTURAL ACTIVITY, means an agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of confined livestock in the confined area and the amount of land that serves as the waste disposal receiving area.

31. KENNEL, means any activity involving the permanent or temporary keeping or treatment of animals as a business other than ordinary agricultural operations.
32. LAUNDROMAT, means a place where patrons wash, dry, or dry clean clothing and other fabrics in machines operated by the patrons.
33. LIVESTOCK FARMING, means the raising of domesticated animals, such as cattle, horses, sheep, for home/personal use or as a source of income.
34. LOT, means the contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any other purpose than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates nonconformity of use or structure.
35. LOT AREA, means the area of land within a boundary of a lot excluding any part under water, and in addition, the area of land bounded by any front lot line, the center line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the center line of the highway.
36. LOT LINE, means a line marking a boundary of a lot.
37. MANUFACTURING, means establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
38. MANUFACTURING, LIGHT, means establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in light manufacturing operations shall not be in excess of ten horsepower. Light manufacturing operations shall be located within the principal building. Noise emanating from a light manufacturing building shall be less than 90 decibels.
39. MENTAL HEALTH CENTER, means a hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.
40. MINIMUM LANDSCAPED OPEN SPACE, means the percentage of lot area which must be maintained in grass or other living vegetation.
41. MOBILE/MANUFACTURED HOME, means a structure transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required

- utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of HUD and complies with the standards established by HUD. A mobile home is considered to be a manufactured home. A manufactured home does not mean recreational vehicle.
42. **MULTIPLE DWELLING**, means a structure designed or used for residential occupancy by more than two families, with or without a common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types but not including hotels, hospitals, and nursing homes.
43. **NURSING HOME**, means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.
44. **POULTRY FARM**, means the place of confined keeping, raising, or breeding fowl on a commercial scale for the production of eggs or meat.
45. **PUBLIC UTILITY**, means any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, or fiber optics). This definition does not include facilities associated with attached wireless communication facilities or wireless communication facilities.
46. **REAR LOT LINE**, means any lot line that is not a front or side lot line and if extended in either direction would not cross the lot.
47. **RESTAURANT**, means a lot upon which food or beverage are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.
48. **SETBACK**, means the required distance between every structure on any lot line on which it is located except where a front lot line is not defined by any conveyance or recorded plat, in which case it means the required distance between every structure and the nearest land actually used for purposes of a roadway or parallel drainage ditch.

49. SIDE LOT LINE, means any lot which meets the end of a front lot line or any other lot line within 30 degrees of being parallel to such a line except a front lot line.
50. SEASONAL DWELLING, means a residential building, whether temporary or permanent and may include mobile homes, which was not originally intended, situated, designed, or constructed for year-round occupancy. Where “seasonal dwelling” is provided as a principal permitted or conditional use in this ordinance, it is intended that governmental services including snow plowing, road construction or maintenance, utilities, school bus service, and other like services may not be provided to such dwelling and use. Anyone building a residential building in a zone designated for “seasonal dwellings” shall be informed in writing by the zoning administrator that the above governmental services may not be provided to that building or use.
51. SINGLE FAMILY DWELLING, means a structure, except a mobile home designed or used for residential occupancy by one family.
52. STATE LICENSED RESIDENTIAL FACILITY, means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.
53. STRUCTURE, means any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way of limitation, buildings, mobile homes, radio towers, sheds, signs, and storage bins, but excluding sidewalks and paving on streets, roadways, driveways, parking areas, and patios.
54. TIMBER HARVESTING, means the cutting and removal of trees from their growing site and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for construction purposes.
55. TWO FAMILY DWELLING, means a structure designed or used for residential occupancy by two families.
56. WIRELESS COMMUNICATION FACILITIES, means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are:

citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt township regulatory authority.

57. **WIRELESS COMMUNICATION SUPPORT STRUCTURES**, means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to monopole, lattice towers, light/utility poles, wood poles, and guyed towers or other structures which appear to be something other than a mere support structure.
58. **WOOD-FIRED BOILER (Outdoor)**, means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

SECTION 104 SEVERABILITY

- A. This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause, is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause, is adjudged unconstitutional or invalid as applied to a particular property, building, or structure, it is hereby provided that the application of such portion of this Ordinance to other property, buildings, or structure, shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, grading permit, zoning compliance permit, certificate of occupancy, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

SECTION 105 EFFECTIVE DATE

- A. This Ordinance shall take effect seven days following the publication of a notice of adoption by the Board of the Township of Bark River, County of Delta, State of Michigan.

SECTION 106 RELATIONSHIP TO OTHER LAWS

- A. Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules, or

restrictions, which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.

SECTION 107 ADMINISTRATIVE STANDARDS

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and/or the Planning Commission shall base their decision upon facts presented at the public hearing.
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
 - 1. Designed to protect natural resources, the health, safety and welfare and the social and economic wellbeing of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 - 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 - 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in this Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.

SECTION 108 APPLICATION OF THIS ORDINANCE

- A. No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the Township of Bark River except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are only allowed on permit granted by the Township Planning Commission upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

SECTION 109 ACCESSORY USES AND STRUCTURES

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. Customary home occupations are permitted as an accessory to residential use or occupancy but only to the extent authorized by the definitions of these terms in this Ordinance.

SECTION 110 EXEMPTIONS

- A. **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities including railroads, municipal departments or commission of underground or overhead gas, electrical, communications, steam, water distribution or transmission services, collection supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, including buildings, reasonably necessary for the furnishings of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, shall be permitted as authorized and regulated by law and ordinance of the Township of Bark River, Delta County, State of Michigan, in any use district, it being the intention thereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance. Attached wireless communication facilities and wireless communication facilities are not an exempt essential service but are subject to the requirements of this Ordinance.
- B. **PUBLIC UTILITY AND PUBLIC BUILDINGS:** The Township Planning Commission shall have the power to permit the erection and use in any zoning district of a publicly owned building or a public utility building, if the Commission finds such building and use reasonably necessary for the public convenience and service.

ARTICLE II ZONING DISTRICTS

SECTION 201 ESTABLISHMENT OF DISTRICTS

- A. Bark River Township is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the map in Sections 709, 710, 711.

SECTION 202 DISTRICT R-1

- A. **INTENT:** To establish and preserve quiet single-family home neighborhoods as desired by large numbers of people, free from other uses except those that are both compatible and convenient to the residents of such a district.
- B. **PERMITTED PRINCIPAL USES:**
1. Single-family dwelling
 2. Home occupations such as hair dressing, dress making, real estate, insurance sales, instruction in fine arts or crafts, bookkeeping, account services, or the professional office of a physician, lawyer, dentist, chiropractor, osteopath, engineer, architect, or other similar recognized professions. Such occupation or profession shall be limited to a residence within his dwelling and shall not be pursued in an accessory building or structure on the premises, nor with the assistance of more than one non-residing employee. Such use shall not occupy more than 25 percent of the floor space exclusive of the attic or basement. It shall show no external indication of such use nor any change in the appearance of the building or premises from a dwelling, except that one non-illuminated sign not exceeding 300 square inches in area may be placed attached flat on the front wall of a dwelling to advertise the activity.
 3. Family day-care home
 4. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
 5. Utility and public service
- C. **CONDITIONAL USES:**
1. Assisted living facility
 2. Bed and breakfast facility
 3. Church
 4. Convenience store
 5. Laundromat
 6. Planned unit development
 7. Public building, including library
 8. Group day-care home, shall be granted if consistent with standards in Section 603.

9. Wood-fired boilers (outdoor), shall be permitted if consistent with the standards in Section 603.

SECTION 203 DISTRICT R-2

- A. **INTENT:** To establish and preserve neighborhoods for medium density residential uses, free from other uses except those which are both compatible with and convenient to the residents of such a district.

- B. **PERMITTED PRINCIPAL USES**

1. Single-family dwelling
2. Two-family dwelling
3. Multi-family dwelling
4. Home occupations such as hair dressing, dress making, real estate, insurance sales, instruction in fine arts or crafts, bookkeeping, account services, or the professional office of a physician, lawyer, dentist, chiropractor, osteopath, engineer, architect, or other similar recognized professions. Such occupation or profession shall be limited to a residence within his dwelling and shall not be pursued in an accessory building or structure on the premises, nor with the assistance of more than one non-residing employee. Such use shall not occupy more than 25 percent of the floor space exclusive of the attic or basement. It shall show no external indication of such use nor any change in the appearance of the building or premises from a dwelling, except that one non-illuminated sign not exceeding 300 square inches in area may be placed attached flat on the front wall of a dwelling to advertise the activity.
5. Mobile home
6. Family day-care home
7. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
8. Utility and public service
9. Wood-fired boilers (outdoor)

- C. **CONDITIONAL USES:**

1. Group day-care home, shall be granted if consistent with standards in Section 603.
2. Assisted living facility, nursing home, convalescent home
3. Bed and breakfast establishment
4. Church
5. Convenience store
6. Day care center, commercial or group
7. Farming and agricultural activity, except intensive agricultural activity
8. Commercial harvesting of timber
9. Public buildings, including library

10. Laundromat
11. Mini-storage facilities
12. Planned unit development

SECTION 204 DISTRICT R-3

- A. INTENT: To establish and preserve neighborhoods for medium density residential uses, and to allow for the placement of a mobile home park. The uses permitted in the district are to be both compatible with and convenient to the residents of the district.

B. PERMITTED PRINCIPAL USES:

1. Single-family dwelling
2. Two family home
3. Multi-family dwelling
4. Mobile home
5. Mobile home park
6. Home occupations such as hair dressing, dress making, real estate, insurance sales, instruction in fine arts or crafts, bookkeeping, account services, or the professional office of a physician, lawyer, dentist, chiropractor, osteopath, engineer, architect, or other similar recognized professions. Such occupation or profession shall be limited to a residence within his dwelling and shall not be pursued in an accessory building or structure on the premises, nor with the assistance of more than one non-residing employee. Such use shall not occupy more than 25 percent of the floor space exclusive of the attic or basement. It shall show no external indication of such use nor any change in the appearance of the building or premises from a dwelling, except that one non-illuminated sign not exceeding 300 square inches in area may be placed attached flat on the front wall of a dwelling to advertise the activity.
7. Family day-care home
8. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
9. Utility and public service
10. Wood-fired boilers (outdoor)

C. CONDITIONAL USES:

1. Group day-care home, shall be granted if consistent with standards in Section 603.
2. Assisted living facility, nursing homes convalescent home
3. Bed and breakfast establishment
4. Church
5. Convenience store
6. Farming and agriculture, except intensive agricultural activity

7. Timber harvesting, commercial
8. Laundromat
9. Mini-storage facilities
10. Planned unit development
11. Public building, including library

SECTION 205 DISTRICT RR

A. INTENT: To establish and maintain an alternative residential environment in accessible rural areas.

B. PERMITTED PRINCIPAL USES:

1. Single-family dwelling
2. Two-family dwelling
3. Mobile home
4. Home occupations such as hair dressing, dress making, real estate, insurance sales, instruction in fine arts or crafts, bookkeeping, account services, or the professional office of a physician, lawyer, dentist, chiropractor, osteopath, engineer, architect, or other similar recognized professions. Such occupation or profession shall be limited to a residence within his dwelling and shall not be pursued in an accessory building or structure on the premises, nor with the assistance of more than one non-residing employee. Such use shall not occupy more than 25 percent of the floor space exclusive of the attic or basement. It shall show no external indication of such use nor any change in the appearance of the building or premises from a dwelling, except that one non-illuminated sign not exceeding 32 square feet in area may be placed attached flat on the front wall of a dwelling to advertise the activity.
5. Bed and breakfast establishment
6. Farming and agriculture, except intensive agricultural activity
7. Stabling of horses and riding academy
8. Family day-care home
9. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
10. Utility and public service
11. Wood-fired boilers (outdoor)

C. CONDITIONAL USES:

1. Group day-care home, shall be granted if consistent with standards in Section 603.
2. Assisted living facility, nursing home, convalescent home
3. Automobile, tractor trucking facility

4. Automobile and recreational vehicle repair, and sales; including collision repair
5. Building contractor storage yard
6. Building material sales and storage; Plumbing and electrical sales and service
7. Business office; Medical and dental office
8. Church
10. Commercial greenhouse
11. Convenience store
12. Day care center commercial or group
13. Gravel pits and excavating of soil, sand, and clay or similar material
14. Commercial harvesting of timber
15. Junkyard
16. Lodge hall
17. Laundromat
18. Light manufacturing, including food packaging operations and printing facilities, sawmill and planing mill
19. Mini-storage facility
20. Motel, hotel
21. Planned unit development
22. Public building, including library and public school
23. Personal service establishment

SECTION 206 DISTRICT C-1

- A. INTENT: To establish and preserve a compact business district suited to the needs of travelers, tourists, and vacationers.
- B. PERMITTED PRINCIPAL USES:
 1. Retail establishments including the sale of gifts, hardware, drugs, groceries, sporting goods, building material sales, plumbing and electrical supply, antiques, baked goods, art, crafts, and services such as barber and beauty shops, banks, restaurant, laundromat, gas stations, convenience store
 2. Automobile and recreational vehicle repair, sales and service
 3. Business office; Medical and dental office
 4. Commercial greenhouse
 5. Commercial printing facility
 6. Funeral home
 7. Home occupations such as hair dressing, dress making, real estate, insurance sales, instruction in fine arts or crafts, bookkeeping, account services, or the professional office of a physician, lawyer, dentist, chiropractor, osteopath, engineer, architect, or other similar recognized professions. Such occupation or profession shall be limited to a residence within his dwelling and shall not be pursued in an accessory building or

structure on the premises, nor with the assistance of more than one non-residing employee. Such use shall not occupy more than 25 percent of the floor space exclusive of the attic or basement. It shall show no external indication of such use nor any change in the appearance of the building or premises from a dwelling, except that one non-illuminated sign not exceeding three hundred (300) square inches in area may be placed attached flat on the front wall of a dwelling to advertise the activity.

8. Lodge hall, theater, assembly hall
9. Medical and dental office
10. Mechanical car washing facility
11. Motel and hotel
12. Public building, including library
13. Personal service establishment
14. Single-family dwelling connected directly to a business establishment
15. Utility and public service

C. CONDITIONAL USES:

1. Church
2. Food packaging operation
3. Light manufacturing
4. Planned unit development
5. Automobile collision repair
6. Sawmill and planing mill
7. Single-family dwelling
8. Tavern
9. Trade school or business school

SECTION 207 DISTRICT I

- A. INTENT:** To establish and preserve areas for necessary industrial and related uses of such nature that they require isolation from other kinds of land uses.

B. PERMITTED PRINCIPAL USES:

1. Automobile tractor, trucking facility
2. Automobile and recreational vehicle service and sales and including collision repair
3. Building contractor storage yard
4. Building material sales and storage
5. Business office
6. Commercial greenhouse
7. Farming and agriculture, except intensive agricultural activity
8. Light manufacturing, including bottling works, laboratories, sawmill, planing mill, commercial printing facility, metal plating, buffing and polishing, food packaging operation

9. Mechanical car washing facility
10. Trade school or business school
11. Utility and public service
12. Wholesale and storage facility

C. **CONDITIONAL USES:**

1. Attached wireless communication facilities, wireless communication facility
2. Intensive agricultural activities
3. Gravel pits and excavating of soil, sand clay gravel or similar material
4. Gasoline service station
5. Junkyard
6. Mini-storage facility
7. Planned unit development
8. Petroleum, natural gas, propane storage facility
9. Single-family dwelling
10. Tavern

SECTION 208 DISTRICT AP

- A. **INTENT:** To establish and maintain for low intensity use those areas which because of their location, accessibility, and natural characteristics, are suitable for a wide range of forestry, agricultural, and recreational uses.

B. **PERMITTED PRINCIPAL USES:**

1. Agricultural production operations, including crop cultivation, pastures, orchards, farmstead and other similar uses, except intensive agricultural activities, i.e. feedlot, poultry farm, and fur farm.
2. Home occupations such as hair dressing, dress making, real estate, insurance sales, instruction in fine arts or crafts, bookkeeping, account services, or the professional office of a physician, lawyer, dentist, chiropractor, osteopath, engineer, architect, or other similar recognized professions. Such occupation or profession shall be limited to a residence within his dwelling and shall not be pursued in an accessory building or structure on the premises, nor with the assistance of more than one non-residing employee. Such use shall not occupy more than 25 percent of the floor space exclusive of the attic or basement. It shall show no external indication of such use nor any change in the appearance of the building or premises from a dwelling, except that one non-illuminated sign not exceeding 32 square feet in area may be placed attached flat on the front wall of a dwelling to advertise the activity.
3. Commercial greenhouse
4. Commercial harvesting of timber

5. Mobile home
6. Stabling of horses and riding academy
7. Single-family dwelling.
8. Sawmill and planing mill
9. Two-family dwelling
10. Utility and public service
12. Family day-care home
13. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
14. Wood-fired boilers (outdoor)

C. CONDITIONAL USES:

1. Airports and landing field
2. Attached wireless communication facility, wireless communication facility
3. Bed and breakfast establishment
4. Church
5. Cemetery
6. Intensive agricultural activity such as feedlots, poultry farms, and fur farms, provided that no such operation shall be established within 1/4 mile from any existing residence not on the premises.
7. Gravel pit and excavating of soil, sand and clay or similar material
8. Junkyard
9. Light manufacturing, including food packaging operation
10. Mini-storage facility
11. Resort and lodge on lots of 40 acres or more
12. Petroleum, natural gas and propane storage facility
13. Sportsmen club and hunting preserve on lots of 80 acres or more
14. Group day-care home, shall be granted if consistent with standards in Section 603.

SECTION 209 RECREATIONAL USES

- A. The following recreational uses are Permitted Principal Use or require a Conditional Use Permit in the districts indicated below.

RECREATIONAL LAND USES IN ZONING DISTRICTS P-Permitted C-Conditional							
Land Use\District	R-1	R-2	R-3	RR	C-1	AP	I
Community playground	P	P	P	P	C		
Picnic area	P	P	P	P	C		
Multi-use recreation area	C	C	C	C	C	C	C
Passive park (nature areas, cross-country ski trails, non-motorized trail, walkway)	P	P	P	P	C	P	
Fields: soccer, ice hockey, field hockey, ball field, ice rinks	C	C	C	C	C	C	C
Horseback riding (equestrian) trail				P		P	
Indoor recreation: handball, badminton, basketball, tennis, archery, golf, bowling alley	C	C	C	C	P		C
Golf- driving range	C	C	C	C	C	C	C
Golf course (9 or 18 hole)	C	C	C	C	C	C	C
Mini-golf course		C	C	C	P		
Tracks: ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing						C	
Archery range (outdoor)				C		C	
Rifle and shotgun range, skeet and trap, sporting clay field				C		C	
Campground						C	
Private hunting area (fenced in area with animals owned by the property owner which are available for hunting)				C		C	
Snowmobile trail				C	C	C	C

SECTION 210 PUBLIC LAND

- A. INTENT: To establish and preserve areas for certain public purposes. Provisions are made to allow for certain types of commercial or nonprofit use within the area.
- B. PERMITTED PRINCIPAL USES:
- Community agriculture/flower garden

2. Governmental or proprietary function conducted by any governmental agency or publicly-owned corporation which is authorized to conduct such function, except such uses as constitute a nuisance in the place where conducted. Including, but not limited to, schools, parks, and utility buildings, facilities, or equipment.
3. Recreational uses: community playgrounds, picnic areas, passive park, swimming beach, non-motorized trails.

C. CONDITIONAL USES:

1. Cultural/ conference facility
2. Museum
3. Nature center
4. Recreational uses: archery range (outdoor), campground, cross-country ski-trail, fields (soccer, hockey, baseball, football), fishing pier, ice rink, indoor recreation (handball, badminton, tennis, archery, golf, bowling, ice skating), mini-golf, track (ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing)
5. Temporary outdoor activity

ARTICLE III GENERAL REGULATIONS

SECTION 301 HEIGHT AND PLACEMENT REGULATIONS

- A. Except as otherwise specifically provided for in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such lot line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot line fronts on two streets within 30 degrees of being parallel but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is a front, rear, or side, lot line. All distances are measured in feet.

Schedule of Regulations						
District	Minimum Lot Size (Square Feet or Acreage) ¹	Minimum Lot Width (Feet)	Setback (Feet) for buildings on lot ^{2, 4}			Maximum Height of Buildings (Feet) ³
			Front	Side	Rear	
R-1 ⁶	12,000 sq. ft	80 feet	25	7	25	30
R-2	18,000 sq. ft	120 feet	25	7	25	30
R-3	18,000 sq. ft	120 feet	25	7	25	30
RR ⁵	1 acre	200 feet	25	15	50	30 ³
C-1	None	None	25	5	20	30 ³
I	None	None	25	2	20	4
AP	10 acre	None	25	15	50	4

FOOTNOTES:

1. In all districts the minimum lot size and lot width regulation do not apply to any nonconforming parcel of land shown as a lot on a recorded plat, or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.
2. Non-inhabitable structure may be five feet from rear and/or side lot line.
3. If a structure is less than 30 ft in height, it shall be a minimum of “structure height” from the lot line.
4. Height at any point on a structure shall not exceed the horizontal distance to any lot line.

5. RR zoning is extended back 400 feet from the centerline of all roads unless otherwise zoned.
 6. In all R-1 districts detached accessory buildings and/or private garages shall conform to the following standards:
 - a. Detached accessory buildings and/or garages shall not occupy front yard space.
 - b. Detached accessory buildings and/or garages and portions thereof may occupy that portion of the side yard that is in excess of the side yard requirements.
 - c. Detached accessory buildings and/or garages shall match the architectural elements and styles of the main structure and the surrounding features of the area.
- B. The lot width shall be measured at the front setback line.
- C. There shall be a maximum floor area ratio of 25 percent in District R-3 and 80 percent in Districts C-1 and I.
- D. There shall be a maximum ground coverage ratio of 30 percent in Districts R-3 and 40 percent in Districts C-1 and I.
- E. There shall be a minimum landscaped open space of 30 percent in District R-3 and 10 percent in Districts C-1 and I.

SECTION 302 ZONING DISTRICT BOUNDARY SETBACK REGULATION

- A. On lots in Districts C-1 and I, no structure shall be erected or maintained within 30 feet of the boundary line of boundary lines of any lot in Districts R-1, R-2, and R-3. Where a district boundary line divided a lot into two districts, it shall be treated as a lot line for the purposes of the setback provisions of this Ordinance.

SECTION 303 MINIMUM STANDARDS FOR DWELLING UNITS

- A. Every dwelling unit shall have a floor area of not less than 600 square feet, provided however that not more than 120 square feet thereof may consist of storage space, at least 6 feet 6 inches high in a fully enclosed accessory building on the same lot, but if such a accessory building is a garage or carport, such space must be fully partitioned from the area usable for motor vehicle storage.
- B. No crawl space or area under a mobile home shall be used for storage space purposes and every such crawl space or area under a mobile home, which is less than 5 feet in height, shall be fully enclosed by fire retardant weatherproof material and any ventilators shall be screened.
- C. All dwellings shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as

promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- D. Every dwelling unit located in the R-1 district shall comply with the following standards:
1. A structure used for residential use shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the adopted Delta County Building Code, including minimum heights for habitable rooms. Where a dwelling is lawfully required to comply with any federal or state standards or regulations for construction and where such standards or regulations are different than those imposed by the adopted Delta County Building Code, then such federal or state standards or regulations shall apply.
 2. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the adopted Delta County Building Code, shall have a wall of the same perimeter dimensions of the dwelling, and shall be constructed of such material and type as required in the applicable building code.
 3. The dwelling shall be connected to a public sewer and water supply or to an on-site septic system or water supply approved by Public Health, Delta and Menominee Counties.
 4. The structure shall have a floor area of not less than 600 square feet and shall contain a storage capability area in a basement located under the structure, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
 5. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two functioning exterior doors with one being in either the rear or side of the dwelling; and contains permanently attached steps connected to the exterior door areas or to porches connected to door areas where a difference in elevation requires same. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall take into account the standards set forth in this definition of dwelling as well as the character, design and appearance of one or more residential dwellings

located outside of mobile home parks within 2,000 feet of the subject dwelling. Such area is to be developed with dwellings on not less than 20% of the lots. Where said area is not so developed, compatibility shall be determined by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

6. The dwelling shall not contain any addition, room or other area, which are not constructed with similar or higher quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required.

SECTION 304 OFF-STREET PARKING REQUIREMENTS

A. In all districts there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following list:

Use	Spaces Required
Single and two family dwelling	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent home	.4 times the maximum lawful number of occupants
Hotel and motel	1.2 per room in addition to spaces required for restaurant facilities.
Apartments and Townhouses	2 per dwelling unit or floor space area in square feet divided by 440 whichever is greater
Mobile home parks and subdivisions	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, concert halls.	.35 times the seating capacity.
Golf Courses	7 per golf hole
Barbershops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane plus additional space for restaurant facilities.
Fast Food take out establishments and drive-in restaurant.	10 times floor area in square feet.
Restaurant (except Drive-ins)	1.2 per 100 square feet of floor space
Furniture, appliance, household equipment, carpet, hardware, repair shops including shoes, contractor's showroom, museum and galleries, stores and facilities.	1.2 per 100 square feet of floor space

Use	Spaces Required
Funeral Parlors	1 per 50 square feet of floor space
Gas Stations	1 per pump plus 2 per lift (in addition stopping fueling places adjacent to the pumps)
Laundromats	.5 per machine
Doctors and Dentists offices	1 per 100 square feet of area plus one per each doctor or dentist.
Banks	1 per 150 square feet of floor space
Warehouses	1 per 500 square feet of floor space

- B. Where calculations in accordance with the above foregoing list results in a fraction of spaces the fraction of less than one half shall be disregarded and a fraction of more than one half shall add another parking place to the total required for the facility.
- C. Required off-street parking shall be provided on the lot to which it pertains.
- D. The use of any required parking spaces for the storage of motor vehicles for sale or repair, or any other purposes other than the parking of motor vehicles is prohibited.
- E. The following minimum design standards shall be observed in laying out off-street parking facilities:

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0 to 15	9 feet	12 feet	23 feet	30 feet
16 to 37	10 feet	11 feet	19 feet	47 feet
38 to 57	10 feet	13 feet	19 feet	54 feet
58 to 74	10 feet	18 feet	19 feet	61 feet
75 to 90	10 feet	24 feet	19 feet	63 feet

SECTION 305 REQUIRED OFF-STREET LOADING SPACES

- A. Loading spaces required under this section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with an off-street loading space. An additional off-street loading space shall be

required for lots used for commercial or industrial purpose where the floor space area of all the buildings exceeds 100,000 square feet.

SECTION 306 SITE PLAN APPROVAL REQUIREMENTS

- A. Except with respect to single family dwellings and mobile homes on individual lots no person shall commence any use or erect or enlarge any structure without first obtaining approval of the site plan by the Zoning Administrator as set forth in this section, and no use shall be carried on , no structure erected or enlarged, and no other site improvement or construction undertaken except as shown upon an approved site plan.

SECTION 307 REQUIRED FORM OF AND INFORMATION ON SITE PLAN

- A. The boundary lines of the area included in the site plan including the angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
1. Existing and proposed grades and drainage systems and structures, with topographic contours at intervals not exceeding two feet.
 2. The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.
 3. Natural features such as wood lots, streams, lakes, ponds, and manmade features such as existing roads and structures, with indication as to which are to be retained, and which are to be removed or altered. Adjacent properties and their uses shall be identified.
 4. Proposed streets, driveways, parking spaces, landing spaces, and sidewalks, with the indication of direction of travel for one way streets and drives and inside radii of all curves. The width of the streets, driveways, and sidewalks, and the total number of parking spaces shall be shown.
 5. The size and location of all existing and proposed utilities, both public and private, and required landscaping.
 6. A vicinity sketch showing the location of the site in relation to the surrounding street system.
 7. A legal description of the land included in the site plan and of the lot. The name, address, and telephone number, of the owner, developer, or designer.

8. Any other information necessary to establish compliance with this and other ordinances and the availability of adequate utility capacity.

SECTION 308 SITE PLAN REVIEW PROCESS AND STANDARDS

- A. Upon receipt of any site plan the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Bark River Township, and demonstrates the adequacy of utility service. The Zoning Administrator shall, within 10 working days, approve or deny setting forth the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Zoning Board of Appeals. The Zoning Administrator and Zoning Board of Appeals shall use the standards contained in this section in their review.
- B. The Zoning Administrator shall be guided in the review of the site plan with the following standards and shall find adequate evidence showing that:
 1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 2. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
 3. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein.
 4. All buildings or group of buildings shall be arranged as to permit emergency vehicle access to each building.
 5. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
 6. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.

7. All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Flashing or intermittent lights shall not be permitted.

SECTION 309 PLANNED UNIT DEVELOPMENT

- A. To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur.
- B. The provisions of this section may be applied, upon application of the owner, to any lot exceeding two acres in size. The owner shall file with the Township Planning Commission a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, the owner shall furnish such other information the Township Planning Commission may reasonably require. In acting upon the application, the Township Planning Commission, may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, density and intensity limits. It may also authorize uses not permitted in the Zoning District where the lot is located providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so that they will not materially alter the existing character of the neighborhood. However, uses not permitted in the Zoning District where the lot is located shall not be permitted to occupy more than 10 percent of the lot or no more than 10 percent of the building floor area. Where the Township Planning Commission determines that the application is consistence with subsection (A) of this Section and with the other requirements hereof, it shall enter an order authorizing development and use in accordance with the site plan and description contained in the application, modified as the Planning Commission may require to carry out the intent and purpose of this section and contain any conditions or restrictions which the Planning Commission may consider necessary to carry out the purposes of this Ordinance and to protect the public health, safety, and welfare. The order shall recite the reasons and findings of the fact upon which it is based.
- C. Prior to making any order authorizing development and use under a planned unit development application, the Township Planning Commission may obtain the opinion and recommendation of a professional planning advisor and shall hold a public hearing in the same manner give notice thereof as required upon application for a variance.

SECTION 310 WIRELESS COMMUNICATION FACILITIES AND ATTACHED WIRELESS COMMUNICATION FACILITIES

- A. Bark River Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
 - 1. Facilitate adequate and efficient provisions for wireless communication facilities.
 - 2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
 - 3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.
 - 4. Promote the public health, safety and welfare.
 - 5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.
- C. It is the policy of Bark River Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
- D. At the time an application is made for a conditional use for a wireless communication facility or attached wireless communication facility the applicant shall be required to submit a cash deposit in escrow, as determined by township board resolution, to be used to pay for an independent review of the plans and documents submitted by the applicant. Unused funds will be rebated to the applicant, without interest.

- E. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
1. A conditional use permit for a new wireless communication facility shall not be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.
 2. The support structure shall not exceed 150 feet. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs that might result in lower heights. No part of any wireless communication facility shall be constructed, located or maintained at any time on any required setback area for the district in which it is located.
 3. The site shall have legal documented access to a public road.
 4. All support structures must be set back from all property lines a distance equal to its height.
 5. Where an attached wireless communication facility is proposed on the roof of a building, or the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks. The accessory building shall not exceed 600 square feet.
 6. A wireless communication facility may be of design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.
 7. No wireless communication support structure shall be located in such a position where it would interfere with the operations of a public or private airport, airfield or landing field.
 8. All support structures must be certified by a professional engineer licensed in Michigan, that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All metal support structures shall be constructed of or treated with corrosive resistant material. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, state of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the

Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.

9. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no advertising display on the wireless communication facility or identification of any kind to be visible from the ground or other structures, except as required for emergency purposes.
11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities. The fence shall be a minimum height of eight feet.
12. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
13. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that it does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas. The applicant shall provide a map illustrating the electromagnetic field/radio frequency emitted by the wireless communication facility. An independent study shall be presented of the radio frequency emissions from the proposed facility and the potential radio and television interference.
14. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. A facility shall be considered abandoned when it has not been used for one year or more. For the purposes of this section, the removal of antennas or other equipment from the facility, or cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. Following complete demolition and removal of the building and structure, the premise shall be restored with six inches of topsoil, seeded and mulched. The applicant shall provide a performance bond issued by an acceptable bonding company authorized to do business in the State of Michigan for the removal of the wireless communication facilities and restoration of the site.
15. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition.

The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.

16. Conditions and safeguards as identified in Section 603 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

SECTION 311 APPLICABILITY OF LANDSCAPE REQUIREMENTS

- A. The provisions of the following five sections are applicable to every lot with respect to which a zoning compliance permit or a building permit for any new structure or enlargement of any existing structure is hereafter required.

SECTION 312 REQUIRED PLANTING SCREENS

- A. In all districts whenever any trash collection, outdoor storage, merchandising, or service area, lies within 500 feet of any R-1, R-2, or R-3, District, a planting screen of sufficient height and length to interfere with the view thereof from the adjoining District, shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where because of intense shade or soil conditions, the planting screen cannot be expected to thrive an opaque wooden fence, a chain link fence with interwoven redwood or cedar slats, or a masonry wall may be substituted.

SECTION 313 PLANTING SCREEN SPECIFICATIONS

- A. All planting screens required by this Ordinance shall consist of plants at least 30 inches high when planted, maintained in a healthy condition and pruned as to provide maximum opacity from the ground up to a height of five feet. One of the following plant varieties in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

<u>PLANT</u>	<u>DISTANCE APART</u>
Forsythia	3 feet
Lilac	3 feet
Privet	1 ½ feet
Arbor vitae	4 feet
Pfizer juniper	4 feet
Scotch pine	5 feet

- B. The Zoning Administrator shall permit the substitution of other plant varieties only upon certification that the proposed plantings can be expected to thrive and provide equivalent screening and will not create a nuisance or hazard.

SECTION 314 TIME OF COMPLETION

- A. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible due to the season of the year, the administrator shall grant an appropriate delay but no permanent certificate of occupancy shall be granted until completion of all required plantings. Any certificate of occupancy may be revoked, after 30 days, by written notice to the person assessed for the taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

SECTION 315 GRADING

- A. No premises shall be filled or graded so as to increase the amount or velocity of surface water run off onto adjoining parcels.

SECTION 316 OUTDOOR WOOD BURNING BOILERS AND APPLIANCES

- A. Boilers/Units and outside wood burning are a Conditional Use in the R-1, R-2, R-3, RR and AP Zoned Districts.
1. Conditions for approval:
 - a. Lots of 2.5 acres or larger;
 - b. A setback of 75 feet from any and all lot/property lines, easements and right-of-ways;
 - c. Minimum chimney height of 15 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 1000 feet, whichever is higher;
 - d. No fuel other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state may be burned and no outdoor wood burning boiler or appliance may be used as a waste incinerator;
 - e. Any fuel source other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state shall require a variance;
 - f. Unit shall not be located in the front yard;
 - g. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and Bark River Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.

ARTICLE IV NONCONFORMING USES AND STRUCTURES

SECTION 401 DEFINITION AND CLASSIFICATION OF NONCONFORMING USES AND STRUCTURES

A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Class “A” nonconforming uses or structures are those that which have so designated by the Zoning Board of Appeals, after application by any interested person or the Zoning Administrator, upon findings that continuance would not be contrary to the public health, safety, or welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. All nonconforming uses and structures not designated as Class “A” are Class “B” nonconforming uses or structures.

SECTION 402 PROCEDURE FOR OBTAINING CLASS “A” DESIGNATION, CONDITIONS

A. A written application shall be filed setting forth the name and address of the applicant, giving legal description of the property to which the application pertains, and including such information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information, as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it was based. Conditions shall be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class “A” designation.

SECTION 403 REVOCATION OF CLASS “A” DESIGNATION

A. Any Class “A” designation shall be revoked following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class “A” designation.

SECTION 404 REGULATIONS PERTAINING TO CLASS “A” NONCONFORMING USE AND STRUCTURES

A. No Class “A” nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 12 months or if it has been changed to a conforming use for any period. No Class “A” structures shall be used, altered, or enlarged in violation of any condition imposed on its designation.

SECTION 405 REGULATIONS PERTAINING TO CLASS “B” NONCONFORMING USES AND STRUCTURES

A. It is a purpose of this Ordinance to eliminate Class “B” nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class “B” nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 12 months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure. No Class “B” nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the reproduction cost of such structure. No Class “B” nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming. In the case of mineral removal operations, existing holes or shafts may be worked or enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established. No Class “B” nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

ARTICLE V ZONING BOARD OF APPEALS

SECTION 501 MEMBERSHIP AND MEETINGS

- A. The Zoning Board of Appeals is established in accordance with Act 110 of 2006, as amended. The Board shall consist of three regular members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Planning Commission shall not exceed the term of office on the Planning Commission; the term of office for a member of the Township Board shall not exceed the term of office on the Township Board.
- B. The Township Board may appoint two alternate members to the Zoning Board of Appeals for the same term as regular members of the Zoning Board of Appeals. The alternate may be called to serve if a regular member is absent or unable to attend two or more consecutive meetings or is absent from or will be unable to attend meetings for a period of 30 consecutive days. An alternate member will also be called to serve as a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest; the alternate member shall serve in the case until a final decision is made. When called to serve on the Zoning Board of Appeals, the alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
- C. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairperson. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- D. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- E. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 706.

SECTION 502 DUTIES AND POWERS

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided, including administrative review; interpretation of the Zoning Ordinance, including the zoning map; and consideration of requests for variances and appeals of the granting or denial of Conditional Use Permits.
- B. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.
- C. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator.
- D. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 500 or by an analysis of the specific needs;
 - 4. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within a specific district.
 - 5. Designate a Class B non-conforming use or structure as a Class A non-conforming use or structure.

SECTION 503 VARIANCES

- A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal, in specific cases, a variance from the provisions of this Ordinance that will not be contrary to the public interest. Such variance shall be granted where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall make findings that the requirements of this section have been met by the applicant.
- C. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 106 of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- F. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- G. The Zoning Board of Appeals may reverse, affirm or modify an order, requirement, decision or determination based on an appeal made by a public official. All actions taken by the Zoning Board of Appeals must be in conformance with this Ordinance.

SECTION 504 APPEALS

- A. Appeals concerning interpretation of the administration of this Ordinance or for the granting or denial of a Conditional Use Permit shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of 30 days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was based. Any party or parties may appear at the hearing in person or by agent or attorney.
- B. Recourse for a person aggrieved by a decision of the Planning Commission in granting or denial of a Conditional Use Permit or a decision regarding Planned Unit Development shall be to the Zoning Board of Appeals.
- C. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- D. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his/her opinion, cause an imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.
- E. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Delta County, as provided by law.

ARTICLE VI CONDITIONAL USE PERMITS

SECTION 601 CONDITIONAL USE PERMIT APPLICATION PROCEDURE

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the applicant and the property owner and accompanied by the payment of a fee in accordance with Section 701 to cover costs of processing the application. No part of any fee shall be refundable.
- C. An application shall consist of:
 - 1. Conditional use form supplied by the Zoning Administrator filled out by the applicant.
 - 2. A site plan drawn to a readable scale and containing that information specified in Section 308.
 - 3. A statement with supporting evidence regarding the required findings specified in Section 603.
- D. A public hearing shall be scheduled with notification as required by Section 706.

SECTION 602 CONDITIONS AND APPROVALS OF A CONDITIONAL USE PERMIT

- A. The Planning Commission shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 603 and 106.
- B. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Planning Commission can approve an extension for one additional year. Unless otherwise specified by the Planning Commission, compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- C. The Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.

- D. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.

SECTION 603 GENERAL STANDARDS FOR REVIEW OF CONDITIONAL USE PERMITS

- A. The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
1. Will be harmonious with and in accordance with the general policies of Bark River Township or with any specific objectives of any adopted development plans;
 2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 4. Will not diminish the value of land, buildings, or structures in the District;
 5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences.
 8. Will protect the public health, safety and general welfare of the community; and

9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
10. The following standards shall be used by the Planning Commission when considering Group Day Care Homes:
 - a. Is located not closer than 1,500 feet to any of the following:
 - i. Another licensed group day-care home.
 - iii. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - iv. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - v. A community correction center, resident home, halfway house, or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.
 - b. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.
 - c. Maintains the property consistent with the visible characteristics of the neighborhood.
 - d. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
 - e. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
 - f. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his/her employees.
11. The following standards shall be used by the Planning Commission when considering Wood-fired boilers (outdoor):
 - a. Shall not be used to burn refuse.

- b. Shall be located in the rear yard.
- c. Chimney or stack height shall be at least as high as the principal building with a minimum height of fifteen (15) feet from ground level.
- d. Applicant shall request a zoning permit for wood-fired boiler (outdoor) from the Bark River Township Zoning Administrator

SECTION 604 CONDITIONS AND SAFEGUARDS IN THE ISSUANCE OF A CONDITIONAL USE PERMIT

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic wellbeing of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 603 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of landholders. The Zoning Administrator shall make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:

1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.
- G. The standards in Section 603 are basic to all conditional uses as identified in Sections 202 through 209.

SECTION 605 APPEALS OF CONDITIONAL USE PERMITS

- A. The recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

ARTICLE VII ZONING ADMINISTRATION

SECTION 701 FEES

A. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted at the township hall. No permit shall be issued or no action shall be taken by any zoning body or official unless the appropriate fee has been paid in full.

SECTION 702 ZONING ADMINISTRATOR

A. The office of Zoning Administrator is hereby established. The Zoning Administrator and Deputy Zoning Administrator shall be appointed by the Township Board and shall serve at their pleasure. The Zoning Administrator shall receive such compensation as the Township Board may from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of the township. He shall administer the provisions of this Ordinance and shall have all the administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive ordinance requirements.

SECTION 703 ZONING COMPLIANCE PERMITS

A. Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case, and payment of a permit fee. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provisions of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property. Any zoning compliance permit based on any material false statement in the application of supporting documents is absolutely void ab initio and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

SECTION 704 SPECIAL ZONING ORDERS BOOK AND MAP

A. The Zoning Administrator shall keep in his office a book, to be known as the special zoning orders book, in which he shall list, with a brief description, all variances, conditional use permits, authorizations for planned unit developments, designations of Class "A" nonconformance, and any terminations of any of them. Each item shall be

assigned a number when entered. The Zoning Administrator shall also keep a map , to be known as , the special zoning orders map, on which he shall record the numbers in the special zoning orders book, to indicate the locations affected by the items in the book. The special zoning orders book and map shall be open to public inspection.

SECTION 705 VIOLATIONS, PENALTIES AND PROCEEDINGS

- A. The failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance. Every day on which a violation exists shall constitute a separate offense.
- B. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Violators will be issued a municipal civil infraction citation. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgment thereof, pay a civil fine of not less than fifty dollars nor more than five hundred dollars, plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.
- C. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- D. In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

SECTION 706 ADMINISTRATIVE PROCEDURES AND PUBLIC NOTIFICATIONS

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006:
- C. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for

preparing the content of the notice, having it published in a newspaper of general circulation in Bark River Township and mailed or delivered as provided in this Section.

1. All mail, personal and newspaper notices for public hearings shall:
 - a) Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - b) Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - c) When and where the request will be considered: Indicate the date, time and place of the public hearings(s).
 - d) Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e) Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
2. Personal and Mailed Notice - When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Bark River Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than

one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.
4. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 - a) For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
6. Registration to Receive Notice by Mail:
 - b) General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - c) Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

- D. When the Planning Commission or Zoning Board of Appeals holds a Public Hearing, it:
1. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
 2. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 3. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 4. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section;
 5. Shall comply with all other requirements under the law; and
 6. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- E. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of special use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of any changed condition shall also be maintained.
- F. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

SECTION 707 STANDARDS FOR HEARINGS AND ZONING ADMINISTRATION

- A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
- B. The body conducting the hearing:
 - 1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 - 2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 - 3. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;
 - 4. Shall comply with all other requirements under the law; and
 - 5. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

SECTION 708 ZONING MAPS

A. The location and boundaries of the zoning districts established by this Ordinance are set forth on the zoning maps of the township of Bark River accompany this Ordinance, and which maps, with all notions, references, and other information, shown thereon, is incorporated herein and is as much a part of this Ordinance as if fully described and set forth herein.

SECTION 709 BARK RIVER ZONING MAP

SECTION 710 BARK RIVER UNINCORPORATED ZONING MAP

SECTION 711 SCHAFFER (UNINCORPORATED) ZONING MAP

SECTION 712 INTERPRETATION OF THE ZONING MAP

- A. Where, due to the scale, lack of detail, or illegibility of the zoning map of Section 709, 710, or 711, there is any uncertainty, contradiction, or conflict, as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the zoning board of appeals. The Zoning Administrator and the zoning board of appeals in interpreting the zoning map or deciding any appeal, shall apply the following standards:
1. Zoning districts boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right of ways, or water courses, unless such boundary lines are fixed by dimension shown on the zoning map.
 2. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the map scale shown thereon.

If, after the application of the foregoing rules, uncertainty still exists as to the zoning district boundary lines, the boundary line shall be determined in a reasonable manner, considering the history of uses of the property and the history of the zoning ordinance and amendments in the Township of Bark River, County of Delta, as well as all other relevant facts.