

**ARTICLE 13**  
**BV, BOARDMAN VALLEY DISTRICT**

**Section 13.01 Purpose of this Zoning District**

This district is intended to comply with the land use regulations established by the Michigan Department of Natural Resources (MDNR)'s Boardman River Natural River Zoning ordinance. The land areas in this district are in the Boardman watershed and their uses impact the water quality of the Boardman River.

This District includes all land areas within 400 feet of the Boardman River, Beitner Creek, Jaxon Creek, and the designated tributaries as shown on the Zoning Map in land sections 8 and 9. The goal of this district to protect and enhance their water conservation values, free flowing condition, fish, wildlife, aesthetic, flood plain, ecologic, historic and recreational values.

**Section 13.02 Uses Allowed with Site Plan Approval by the Zoning Administrator**

The following uses of land and buildings are allowed in the BV, Boardman Valley District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Standard single-family detached dwelling unit.
2. Forest preserves, game refuges, and parks.
3. Home occupations.
4. State licensed residential facility.
5. Family and group daycare.
6. Places of worship.
7. Accessory dwellings.
8. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

**13.03 Uses Permitted with Special Conditions**

The following uses of land and buildings are allowed in the BV, Boardman Valley District, provided the Zoning Administrator finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

1. Boat docks, subject to the following condition:

- a. Approval from the Department of Environmental Quality and/or Department of Natural Resources.
2. Bridges, subject to the following condition:
  - a. Approval from the Department of Environmental Quality and/or Department of Natural Resources.

### **Section 13.04 Area and Bulk Requirements**

The following regulations shall apply to all uses within the BV Boardman Valley District.

1. Minimum Lot Area and Width. The lot area shall be a minimum of forty thousand (40,000) square feet and have a minimum width of 200 feet and a minimum lot depth of 200 feet.
2. Height. The maximum building height for a structure shall be twenty-five (25) feet, except as otherwise provided in this Ordinance.
3. Setback Requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
  - a. The minimum front yard setback shall be twenty-five (25) feet.
  - b. The minimum interior side yard setback shall be fifteen (15) feet.
  - c. The minimum rear yard setback shall be twenty-five (25) feet.
  - d. The minimum street side yard setback shall be twenty-five (25) feet.
  - e. Waterside setbacks:
    - 1) No building shall be closer than one hundred (100) feet from the ordinary high water mark and fifty (50) feet from the crest of a bluff.
    - 2) No septic system or waste water disposal system (including the disposal field) shall be closer than one hundred (100) feet from the ordinary high water mark and fifty (50) feet from the crest of a bluff.
4. Lot Coverage. The maximum percentage of the lot that is permitted to be covered by buildings is 10%.
5. River Frontage. Every new lot or parcel that has river frontage on the Boardman River, Jaxon Creek, Beitner Creek, or the designated tributary as shown on the Zoning Map shall have a minimum of two hundred (200) feet of river frontage and shall have a minimum lot depth of two hundred (200) feet.

### **Section 13.05 Natural Vegetative Strip**

A natural vegetative strip shall be maintained along both sides of the Boardman River,

Jaxon Creek, Beitner Creek, and the designated tributary as shown on the zoning map. The purpose of this strip is to stabilize the river banks, prevent erosion, absorb nutrients in storm water run-off from adjacent lands, provide shade for the stream to maintain cool water temperatures and screening of adjacent manmade structures. The vegetative strip incorporates all of the land area from the ordinary high water mark to a distance fifty (50) feet in width from the shoreline and shall consist of native vegetation. The following may occur within the Natural Vegetative Strip:

- a. Trees and shrubs may be pruned for a filtered view of the river upon approval of the zoning administrator or the area forester, but clear cutting of the vegetation strip is prohibited.
- b. Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, may be removed.
- c. Selective removal or trimming of trees for forest management practices or disease and insect control, and clearing of vegetation to the minimum width required for public utility primary electric distribution lines and service lines for allowed uses, is permitted upon approval by the Zoning Administrator in consultation with the Soil Conservation District.

### **Section 13.06 Stream Alterations**

To protect the natural character of the river areas and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted until reviewed by the Planning Commission and as approved by the Department of Natural Resources under the authority of the Inland Lakes and Stream Act, Act 346 of the Public Acts of 1972.

### **Section 13.07 Mineral Extraction**

New surface development, exploration, or production of gas, oil, brine, sand, gravel or other materials, except potable groundwater, is prohibited.

### **Section 13.08 Nonconforming Structure and Uses**

Any uses or structures (including bridges and staircases that provide access to the water body) that were lawful prior to the adoption of this Ordinance, but currently do not conform to the Ordinance regulations are permitted to continue, subject to the following conditions:

1. Routine or normal repair and maintenance work to keep a legal non-conforming structure or use, such as a roadway, in sound condition is permitted. Remodeling of non-conforming structures within the confines of the existing foundation and elevations is permitted if the nonconformity is not increased.

2. The ground floor area of any legal non-conforming structure may be increased by up to 50% of the existing enclosed ground floor living area cumulative from the date of nonconformance or to the minimum extent necessary to comply with minimum dwelling unit size standards.
3. Any enlargement of a legal non-conforming structure shall comply, to the greatest extent possible with all setback and other building requirements, and is subject to the following conditions:
  - a. The land on which the nonconforming structure is sited is not subject to flooding.
  - b. The enlargement or expansion of the nonconforming building or structure will not lead to accelerated bank erosion or other material degradation of the river resource, and the enlargement or expansion of the building or structure is approved by the local soil erosion and sedimentation control enforcement agency.
4. Approval from the Zoning Board of Appeals is required for the restoration of a nonconforming building or structure that is damaged or destroyed by more than 50% of its value due to flood, fire, or other means. In determining whether 50% of the values has been destroyed, the Zoning Board of Appeals shall use appraised replacement costs, as determined by a qualified individual appointed by the Zoning Board of Appeals, and shall compare the value of the part destroyed to the value of the total unit. A request for a permit to restore a nonconforming building or structure damaged or destroyed by more than 50% of its value shall be approved if all of the following conditions exist:
  - a. The land on which the building or structure is situated is not subject to flooding (100 year floodplain).
  - b. The use of a nonconforming building or structure will not lead to accelerated bank erosion or other material degradation of the river resource, and the use of the building or structure is approved by the local soil erosion and sedimentation control enforcement agency.
  - c. Restoration of a damaged building or structure, if approved by the Zoning Board of Appeals, shall be started within one (1) year from the time of approval.
5. A nonconforming use may be changed to a use of a likeness or similar character if the new use more closely conforms the zoning requirements of the Boardman Valley District.
6. If a nonconforming use is discontinued for twelve (12) consecutive months, any future use shall conform to the zoning requirements of the Boardman Valley

District. A property owner may request the Zoning Board of Appeals to certify the existence of a prior nonconforming use on the owner's property. Certification of a prior nonconforming use shall be granted if the use meets the criteria of this Article.

7. A previously established manicured lawn in an area subject to native vegetation buffer standards is considered a nonconforming use, and is subject to the standards in this Section.