

CHAPTER 10

“E” - ENVIRONMENTAL ZONE

Section 10.01 - PURPOSE

The purpose of this District is to allow single-family homes while preserving and protecting significant natural features including wetlands, lakes, rivers, streams, watersheds and other sensitive environmental features within Elk Rapids Township. These regulations seek to balance the protection of the ecosystem while enabling low-intensity development where appropriate. The regulations are designed to ensure adequate setbacks for buildings, structures and septic systems, ensure that building and structures are built on suitable and stable soils, prevent soil erosion in wetland areas, prevent sedimentation from entering the creeks, rivers and lakes, preserve and enhance vegetation and wildlife habitat along the creek and river banks.

Section 10.02 - PERMITTED USES

No use shall hereafter be permitted within the Environmental Zone except the following:

- A. Single Family Detached Dwellings - subject to the following provisions:
 - 1. Upon application for a zoning compliance permit, it shall be the responsibility of the applicant to provide documentation of any regulated wetlands on site as defined by Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451. The documentation shall be certified by a qualified consultant or licensed engineer and shall determine all, if any, wetlands. If said consultant or licensed engineer certifies that the site does not include regulated wetlands, only a standard plot plan will be required.
 - 2. If the site does contain regulated wetlands, a plot plan containing the following information presented on a scale drawing shall be submitted with the building permit application:
 - a. Location of existing property lines, dimensions, setback lines and monument locations.
 - b. Location and type of existing vegetation, and how it will be altered to permit construction of the project.
 - c. Location and elevations of existing water courses and water bodies, including county drains, man-made surface drainage ways, floodplain and wetlands (as identified by the DEQ in an official determination request).
 - d. Location of existing and proposed buildings and intended use thereof as well as the length, width and height of each building, and typical elevation views of proposed structures.

- e. Location of existing public roads, rights-of-way and private easements of record and abutting streets.
 - f. Location and specifications for all fences, walls and other screening features with cross sections.
 - g. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. All vegetation to be retained on the site must also be indicated. The minimum vegetation buffer area as required by Section 10.05 hereof, shall also be identified and illustrated.
 - h. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.
- B. Construction of or provision of footpaths or narrow walkways - The cutting of vegetation shall be minimized for the purpose intended and no materials used in such construction shall contribute to the pollution/contamination of the ground water or adjoining lakes and rivers.
 - C. General farming purposes and grazing of domestic farm animals.
 - D. Harvesting of wild crops such as wild hay, ferns, moss, wild rice, berries, tree fruit and tree seeds.
 - E. Harvesting of timber in accordance with approved conservation practices.
 - F. Accessory Structures, with the additional criteria of Section 10.02, A, 1 and 2 to be applied. (Refer to Section 1.03, Accessory Structures).

Section 10.03 - HEIGHT, AREA AND YARD RESTRICTIONS

- A. Required Yard Setbacks:
 - 1. Front Yard - Fifty (50) feet.
 - 2. Rear Yard - Thirty Five (35) feet.
 - 3. Side Yard - Two (2) side yards totaling twenty (20) feet; the minimum of each side yard shall be ten (10) feet.
- B. Building Height - No building or structure shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, which ever is less.
- C. Lot Width - A minimum of one hundred (100) feet at all points from front to back.
- D. Lot Area - All lots shall contain a minimum of 20,000 square feet.

- E. Dwelling Area - All dwellings shall have a minimum of nine hundred sixty (960) square feet. No dimension shall be less than twenty (20) feet as provided in Section 1.03, Dwelling Single Family, subsection 2.
- F. The maximum lot coverage shall not exceed thirty (30) percent of the gross lot area. Lot coverage shall include the area occupied by structures, dwellings, accessory structures, parking areas, driveways, patios, decks and other impervious surfaces

Section 10.04 – SHORELAND PROTECTION ZONE

Certain lands in the Township abut Lake Michigan and have been designated as “high risk” erosion areas under the Shoreland Protection Act. Any construction within these designated areas which are included within the Environmental Zone shall comply with the rules and regulations adopted under the Shoreland Protection Act.

Section 10.05 – GENERAL REQUIREMENTS

- A. Wetlands - An applicant planning to make any improvements or changes to a regulated wetland must obtain a permit from the DEQ in accordance with Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451 prior to submitting a site plan or land use permit application under this Zoning Ordinance.
- B. A Buffer Area, as defined herein, of at least twenty five (25) feet shall exist along the edge of all regulated wetlands on the lot or parcel. No ponds shall be constructed, earth moved, topsoil removed, or building within the Buffer Area.
- C. The Buffer Area shall consist of native trees, shrubs, and other vegetation and materials. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Healthy vegetation within the buffer area shall be left in a natural state, but may be selectively trimmed and thinned to provide a filtered view of lakes or streams.

Section 10.06 – GENERAL PROVISIONS

See Chapter 2, GENERAL PROVISIONS for supplemental requirements and height, area, and yard restrictions.