TOWNSHIP OF ELK RAPIDS
ANTRIM COUNTY, MICHIGAN
ELK RAPIDS TOWNSHIP PLANNING COMMISSION
Shen B. Smith, Secretary
P.O. Box 175
Elk Rapids, Michigan 49629
(616) 264-5855

July 2, 1996

The July Regular Meeting of the Elk Rapids Township Planning Commission was called to order by the Chairman, Ned VerHage at 7:00 PM on Tuesday, July 2, 1996. Present: Felix Casillas, Ned VerHage, John Ferrari, Dorance Amos, & Shen Smith. Absent: Dick Jobe & Brian Martineau. Also present: Len Harrett, Zoning Administrator. A quorum was established.

Minutes of the June 4, 1996 Meeting were reviewed with the following corrections/additions being made:

Section 2.12 C (Corrected to read):

Many lands within the Township are connected to, adjoin or abut lakes, East Arm of the Grand Traverse Bay, rivers, streams, and wetlands. In the interest of protecting the water quality, controling erosion, and preserving the natural setting of the shoreline, the following provisions shall be applicable:

A. (Same)
B. (Same)
C.A strip of natural vegetation shall be maintained paralleling the shoreline or streambed and traversing the property in question for a depth of twenty-five (25) feet beginning at the edge of surface loam soil or a contiguous root system, whichever occurs nearest to the shoreline. Within such area, no more than thirty (30) percent of all living trees and shrubs may be removed by cutting them to grade level. The remaining trees and shrubberies may be trimmed and pruned for a view of the water from the property. No land alterations including the removal of tree stumps shall be allowed within this native protection strip.
(1) DELETE
(2) DELETE
(3) DELETE

A motion was made by Shen Smith, 2nd by John Ferrari to approve the 6/4/96 minutes with the above additions/corrections. MOTION CARRIED

Ted Veliquette, Sr - Ancient Mariner Dry Docks-East. Felix Casillas reported that he has been in contact with the Township Attorneys regarding how the Planning Commission should proceed with this proposal. Information should be forthcoming in the very near future.

New Fee Resolution Schedule. Discussion regarding the new fees for the various township public hearings was discussed as they relate to the newspaper publication dates. The Planning Commission will make every effort to try to schedule hearings with the Regular meetings to help the general public save excessive fees.

Amendments. Text for the addition of a Lot Split Amendment was reviewed. A motion was made by Shen Smith, 2nd by John Ferrari that Section 2.19 be approved for public hearing as corrected and amended:

Chapter II -General Provisions
Section 2.19 - Lot Splits and Land Division
Lot Splits and Land Division

Lot Split & Land Division Definitions to be added to Ordinance

LAND DIVISIONCreation of a lot or lots.

LOT - A parcel of land of sufficient size to meet minimum zoning requirements for use coverage and area and to provide

such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated roadway or on a permitted private road as may be provided by appropriate ordinance. Such lot may consist of:

1.A single lot of record,

2.A portion of a lot of record,

3.A combination of complete lots, lots of record or portions thereof, or

4.A parcel of land described by metes and bounds;

provided that in no case shall a division or combination of any residential lot or parcel be created which does not meet the requirements of this Ordinance.

LOT OF RECORDA lot which is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded and is considered as such for tax purposes.

CHAPTER II - GENERAL PROVISIONS

SECTION 2.19 - LOT SPLITS & LAND DIVISION

A.APPROVAL REQUIRED For the purposes of this Ordinance, the Township of Elk Rapids shall not recognize any lot which was either not a lot of record as of the effective date of this Ordinance, or which has not been subsequently approved by the Elk Rapids Township Board as established under this Section. Subdivisions, site condominiums or plats may be made only in accordance with the Michigan Subdivision Control Act, P.A. 288 of 1967, as amended and, in accordance with the conditions of the Elk Rapids Township Subdivision Control Ordinance.

B.APPLICATION FOR LOT SPLIT Application for a lot split shall be made to the Elk Rapids Township Clerk. If generally complete, the application shall be processed in accordance with this Ordinance and the Elk Rapids Township Subdivision Control Ordinance. The application shall be signed by all parties of interest in the property.

C.REQUIRED APPLICATION INFORMATION The following required information shall be included on all application for lot splits:

1.Property survey signed and sealed by a land surveyor registered in the State of Michigan, including the following:

a. North arrow, date, and scale.

b. Existing and proposed lot lines and dimensions.

c.Existing utilities and official County drainage courses within fifty (50) feet of the lot(s) to be split.

d.Location and dimensions of existing and proposed easements, lot numbers, roadways and lot irons.

e.Existing structures on the proposed lot(s) and all structures within 50 feet of the proposed lot lines.

f.Zoning classification of the lot(s) to be split and all abutting lots.

g.All required front, rear and side yard setbacks resulting from the requested split.

h.All required open space.

i.Location of natural or artificial drainage courses, lakes, streams, wetlands, sand dunes, high risk erosion zones, threatened or endangered species, unusual topography, and major stands of trees.

j.At the discretion of the Elk Rapids Township Board, the owner shall provide a preliminary plan for the feasible plan development, division and access to any remaining or abutting lands affected by the proposed splits. The Elk Rapids Township Board may also at their discretion, require the preliminary plan to be reviewed by the Elk Rapids Township Planning Commission.

2.A written instrument fully executed in a form legally sufficient for recording with the Antrim County Register of Deeds, including a legal description of the requested parcels. Areas shall be shown to the square foot on parcels of less than one acre and acres to the one-hundredth of an acre on parcels larger than one (1) acre.

3.All existing and proposed deed restrictions for the property(s), including any required easements for drainage, roads or utilities attached in recordable form.

4.Name, address and phone number of the property owner(s) and all others holding interest in the property. Satisfactory evidence of ownership or interest shall be presented to the Township.

5.If the division or partition of the parcel will result in a minimum lot size less than the requirements of Act 288 of the Michigan Public Acts of 1967, as amended, and/or the applicable provisions of the Zoning Ordinance or its successor ordinance, if any, then the applicant shall submit in addition a fully executed affidavit in form legally sufficient for recording with the Antrim County Register of Deeds and signed by all persons who have any legal or equitable interest in the parcel acknowledging that they understand the partitioned or divided parcel or parcels may not thereafter be developed or used separately but only in conjunction with the adjoining parcel or parcels of land.

D.<u>CRITERIA FOR APPROVAL OR DENIAL OF LOT SPLITS</u> The following criteria shall be used as a basis upon which lot splits will be reviewed by the office of the Supervisor, Clerk, Treasurer, Board and Assessor:

1.No lot splits shall be approved if the proposed resultant parcels contain less area than required by the minimum standards of this Zoning Ordinance, except where resultant abutting parcels under the same ownership are combined to meet, or exceed the minimum size.

2.The ratio of lot depth to width shall not exceed four (4) to one (1).

3.All lots shall be provided with a satisfactory means of access to a public road or a private road complying with the provisions of this Ordinance and the provisions of the Elk Rapids Township Subdivision Control Ordinance. Property lines shall be laid out to promote efficient development with shared access to roads available for future development.

4.The size, shape, orientation, and existing zoning of the lots shall be appropriate for the type of development and land use contemplated. No split shall be approved which would conflict with existing drainage ditches, natural watercourses, easements or public right-of-way.

5.No lot splits shall be granted which are contrary to, or in violation of, the Subdivision Control Act, P.A. 288 of 1967, as amended.

6.No lot split shall be approved if the division would reduce any required open space, yard space or off-street parking space below the minimums required by this Ordinance or if the division would effectively allow the avoidance of the requirements of this Ordinance and those of the Elk Rapids Township Subdivision

Control Ordinance.

7.No lot splits shall be approved which would preclude the feasible and efficient development, division or access for remaining or abutting lands affected by the proposed split. No lot shall be created solely of sand dunes area, wetland area, drainageways, lake or river bottom, lands within the 100 year floodplain or stream bed based on the I.G.L.D. Ordinary High Water (1955) (International Great Lakes Datum) 579.8 feet.

MOTION CARRIED

Section 2.20 the proposed text for an amendment regarding "Private Roads" was reviewed.

CHAPTER II - GENERAL PROVISIONS

SECTION 2.20 - PRIVATE ROAD REGULATION

Definition

PRIVATE ROADAny road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

A.When private road development occurs in the Township of Elk Rapids and is not subject to the standards established under the Subdivision Control Act, P.A. 288 of 1967, MCLA 560.101 et seq., and the requirements of the Elk Rapids Township Subdivision Control Ordinance, the following minimum private road standards shall apply. No person, firm, or corporation shall hereafter divide any land as hereinafter described without providing for public or permanent private easements for access to such divided lands with said private easements to conform to these minimum requirements:

1.All lots must be on a public or private road frontage and meet all Ordinance requirements.

2.All private roads constructed in Elk Rapids Township shall be constructed in a good and professional manner, parallel and centered with the centerline of a permanent right-of-way easement duly recorded with the Antrim County Register of Deeds. Rights-of-way or easements, while not required to be dedicated, will be reserved for future dedication and preclude any development within this designated area. All plans as submitted for approval must show the private road easement including a legal description, the grades for the roads, and any drainage facilities and structures.

3.All private roads shall have names approved by the Elk Rapids Township Board, be consistent with the County address numbering system and the County Road Commission requirements.

4.There shall be a clear vision zone at corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets, except that not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes, or geographic conditions.

5.All private road easements shall meet the following requirements:

a.Unless otherwise specified in this Ordinance and the Elk Rapids Township Subdivision Control Ordinance, easements shall be a minimum of sixty six (66) feet wide. The Township of Elk Rapids Planning Commission or it's designated agent may require additional width to the right-of-way easement to insure for adequate construction in specific situations.

b.The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.

c.The minimum distance between private road outlets on a single side of a public road shall be six hundred (600) feet.

6.A drainage plan shall be submitted on a topographic map, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property unless appropriate easements are provided.

7.All roads constructed in Elk Rapids Township shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion and shall have all required storm water and soil erosion control permits. No runoff shall be discharged to lakes, streams, or wetlands without adequate best management practices. To the greatest extent feasible, private roads shall be laid out to achieve the following objectives: (Listed below in order of priority, as it is recognized that some may not exist or may conflict with others on any given site).

a.Not on soil classified as "hydric" (wetland soils) by the USDA Soil Conversation Service or through wetland area as delineated pursuant to the Unified Federal Method of Wetland Delineation.

b.Not in areas of steep slopes (fifteen percent (15%) or greater), within Two hundred (200) feet of a shoreline or over streams if they can be avoided.

c.Along fence rows or the edges of open field or other open spaces adjacent to any woodlands.

d.Within marginal areas of woodland (note: marginal areas shall extend a maximum of two hundred (200) feet into the interior of said woodlands).

e.On areas not considered prime or unique farmlands, or in areas considered as prime forestland soils on a national or regional basis.

f.In locations least likely to impact scenic vistas, as seen from public roadways or water.

8.A private road serving or to serve a maximum of two (2) lots, parcels or condominium units shall at a minimum meet the following design standards:

a.Shall be located on a right-of-way easement a minimum of thirty (30) feet wide.

b.Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at a minimum road grade gravel.

c.Have a roadbed not less than twelve (12) feet wide;

d.Use adequate best management practices when crossing streams, drainage courses, and wetlands;

e.No portion of the road grades shall exceed seven (7%) percent.

f.Shall have a maximum length of two thousand (2,000) feet.

9.A private road serving or to serve a minimum of three (3) and a maximum of six (6) lots, parcels, or condominium units shall at a minimum meet all of the design standards presented in Item 8 of this section with the exception of that the minimum road bed width shall be sixteen (16) feet rather than twelve (12) feet.

10.A private road serving or to serve a minimum of seven (7) and a maximum to twelve (12) lots, parcels, or condominium units shall at a minimum meet all of the design standards presented in Item 8 of this section with the exception of the following:

a.Shall be located on a right-of-way easement a minimum of sixty six (66) feet wide.

b.Have a roadbed not less than nineteen (19) feet wide;

c.Paving shall be required in those areas that have grades greater than three (3) percent. Pavement in said areas shall be a minimum of eighteen (18) feet in width and other than pavement width meet or exceeding County Road Commission standards and specifications for materials, thickness, and roadbed construction. (Note: grade shall be determined by determining the differences in elevations at stations located at one hundred (100) feet intervals along the centerline of the final road grade).

11.A private road serving or to serve more than twelve (12) lots, parcels or condominium units shall meet design specifications and road construction standards as presented in Item 10 of this section with exception of the following:

a.Have a roadbed not less than twenty-four (24) feet wide unless it connects two public roads in which case all County Road Commission standards shall be met.

b.If more than twenty-five (25) lots have access to a private road then a second means of access meeting the requirements of this Ordinance (either a public road or an approved private road) shall be provided.

12.Construction permits from the Antrim County Road Commission are required for connection to County roads. Permits are required from the Antrim County Drain Commissioner under the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1974, MCLA282.101 et seq., when applicable. No building permit shall be issued on any private road until such private road is reviewed by the Elk Rapids Township Planning Commission and then approved by the Elk Rapids Township Board.

13.Application for road construction shall be made at the same time as a land division occurs creating a lot(s) without frontage on an existing public road. Applicant shall prepare a general property development plan complying with the requirements of this Ordinance, and the Elk Rapids Township Subdivision Control Ordinance, as amended. Prior to review by the Elk Rapids Township Planning Commission and then approval by the Elk Rapids Township Board, the applicant will prepare and provide three (3) sets of:

a.Engineered road construction plans.

b.Drainage plan.

c.Road maintenance agreement and deed restrictions satisfactory to the Elk Rapids Township Attorney, signed by applicant/owner, providing for:

1)A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.

2)A workable method of apportioning the costs of maintenance and improvements to current and future users.

3)A notice that if repairs and maintenance are not made within six moths of the date of official notice from the Elk Rapids Township Board of Elk Rapids Township may bring the road up to the design standards of this Ordinance and assess owners of parcels on the private road for the cost of all improvement, plus an administrative fee in the amount of twenty-five (25) percent of the total costs.

4)A notice that no public funds of Elk Rapids Township are to be used to initially build, thereafter

repair, or maintain the private road.

5)Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.

6)A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guest, invitee, vendors, tradespersons, delivery person, and others bound to or returning from any of the properties having a need to use the road.

14.No private road shall be incorporated into the public road system unless built to the specifications of the Antrim County Road Commission for a public road.

B.The Elk Rapids Township Planning Commission shall review the plans of the private road and forward recommendations to the Elk Rapids Township Board. The Elk Rapids Township Zoning Administrator shall consult with water resource experts and/or Michigan Department of Natural Resources officials for a written review of environmental impacts. After road plans are reviewed by the Elk Rapids Township Board, a conditional construction permit may be issued by the Zoning Administrator which are subjects to performance bonds as established by the Township Board. The Township Zoning Administrator will inspect and review the road during construction. Upon completion of construction of the road, a site inspection of the road will be made by the Zoning Administrator who shall forward his/her recommendation to the Township Board who shall then grant a final approval.

C.All private roads shall be designated as such and have a sign and name meeting county sign standards erected by the property owner. In addition to road identification, private road signs shall also include the wording "Private Road" in a minimum of four (4) inch letters and "Not maintained by the Antrim County Road Commission" in a minimum of two (2) inch high letters.

D.An application fee is to be established by the Elk Rapids Township Board. Before final approval the cost of review of plans and inspection by the Township Zoning Administrator of the private road and drainage shall be paid for by the applicant/developer.

E.All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
"This parcel of land has private road access across a permanent _____ (insert size of easement) foot easement which is a matter of record and a part of the deed. This notice is to make the purchaser aware that this parcel of land has egress and ingress over this easement only."

F.Neither the County nor the Township of Elk Rapids has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972 as amended.)

Final review of Section 2.20 was requested for the next regular meeting.

A list of approved for public hearing amendment changes will be attached with this set of minutes. As there was no other business a motion was made by Felix Casillas, 2nd by Dorance Amos to adjourn. MOTION CARRIED

Meeting was adjourned at 10:15 PM.

Respectfully submitted,
Shen Smith

CURRENTLY APPROVED AMENDMENTS August, 1996

Amendments currently approved this date for Public Hearing (with corrections and additions added from this meeting):

Amend 1.03

1.03 H.Building. Any enclosed rigid structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business activities or other similar uses.

1.03 K.Dwelling Single Family.

1.03 N.Family An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not ~~by~~ be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

1.03 R (Insert High Water Mark definition between existing 1.03 R and 1.03 S (renumbering will take place).

High Water Mark

1.For Inland Lakes. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland, and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

2.High Water Mark For East Arm of the Grand Traverse Bay
The average high water mark for the East Arm of the Grand Traverse Bay shall be the I.G.L.D. ordinary High Water - 1955 (International Great Lakes Datum) 579.8 feet.

1.03 S.Home Occupation. An occupation clearly incidental to a residential use~~, such as dressmaking, real estate sales, bookkeeping and accounting services, and professional offices, but not including musical instruments or dancing instruction, beauty and barber shops, when engaged in only~~ by a resident entirely within his dwelling, and not in an accessory building or structure and with the assistance of not more than one (1) non resident employee. Such use shall not occupy more than twenty-five (25) percent of the floor area of the dwelling.

1.03 GG1.Front Yard. The minimum distance between the front line of the principal building, excluding steps and unenclosed porches, and the front lot line. In the case of any principal building which fronts on a lake, the front yard shall be that area which lies between the front line of the principal building, excluding steps and unenclosed porches, and the high water mark of the inland lake. In the case of any principal building which fronts on a lake the front yard and rear yard shall each have a minimum setback from the lake and from the road side of fifty (50) feet.

1.03 GG3.Side Yard. The minimum distance between the side lot line and the side line of the nearest building or structure, unoccupied ~~and~~ extending for the full length of the lot.

Amend 2.12

Many lands within the Township are connected to, adjoin or abut lakes, East Arm of the Grand Traverse Bay, rivers, streams, and wetlands. In the interest of protecting the water quality, controling erosion, and preserving the natural setting of the shoreline, the following provisions shall be applicable:

A. (Same)

B. (Same)

C.A strip of natural vegetation shall be maintained paralleling the shoreline or streambed and traversing the property in question for a depth of twenty-five (25) feet beginning at the edge of surface loam soil or a

contiguous root system, whichever occurs nearest to the shoreline. Within such area, no more than thirty (30) percent of all living trees and shrubs may be removed by cutting them to grade level. The remaining trees and shrubberies may be trimmed and pruned for a view of the water from the property. No land alterations including the removal of tree stumps shall be allowed within this native protection strip.

(1) DELETE
(2) DELETE
(3) DELETE

ADD Amendment 2.19
Section 2.19 - Lot Splits and Land Division
Lot Splits and Land Division

Lot Split & Land Division Definitions to be added to Ordinance

LAND DIVISIONCreation of a lot or lots.

LOTA parcel of land of sufficient size to meet minimum zoning requirements for use coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated roadway or on a permitted private road as may be provided by appropriate ordinance. Such lot may consist of:

1.A single lot of record,

2.A portion of a lot of record,

3.A combination of complete lots, lots of record or portions thereof, or

4.A parcel of land described by metes and bounds;

provided that in no case shall a division or combination of any residential lot or parcel be created which does not meet the requirements of this Ordinance.

LOT OF RECORDA lot which is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded and is considered as such for tax purposes.

CHAPTER II - GENERAL PROVISIONS

SECTION 2.19 - LOT SPLITS & LAND DIVISION

A.APPROVAL REQUIRED For the purposes of this Ordinance, the Township of Elk Rapids shall not recognize any lot which was either not a lot of record as of the effective date of this Ordinance, or which has not been subsequently approved by the Elk Rapids Township Board as established under this Section. Subdivisions, site condominiums or plats may be made only in accordance with the Michigan Subdivision Control Act, P.A. 288 of 1967, as amended and, in accordance with the conditions of the Elk Rapids Township Subdivision Control Ordinance.

B.APPLICATION FOR LOT SPLIT Application for a lot split shall be made to the Elk Rapids Township Clerk. If generally complete, the application shall be processed in accordance with this Ordinance and the Elk Rapids Township Subdivision Control Ordinance. The application shall be signed by all parties of interest in the property.

C.REQUIRED APPLICATION INFORMATION The following required information shall be included on all application for lot splits:

1.Property survey signed and sealed by a land surveyor registered in the State of Michigan, including the following:

a. North arrow, date, and scale.

b. Existing and proposed lot lines and dimensions.

c. Existing utilities and official County drainage courses within fifty (50) feet of the lot(s) to be split.

d. Location and dimensions of existing and proposed easements, lot numbers, roadways and lot irons.

e. Existing structures on the proposed lot(s) and all structures within 50 feet of the proposed lot lines.

f. Zoning classification of the lot(s) to be split and all abutting lots.

g. All required front, rear and side yard setbacks resulting from the requested split.

h. All required open space.

i. Location of natural or artificial drainage courses, lakes, streams, wetlands, sand dunes, high risk erosion zones, threatened or endangered species, unusual topography, and major stands of trees.

j. At the discretion of the Elk Rapids Township Board, the owner shall provide a preliminary plan for the feasible plan development, division and access to any remaining or abutting lands affected by the proposed splits. The Elk Rapids Township Board may also at their discretion, require the preliminary plan to be reviewed by the Elk Rapids Township Planning Commission.

2. A written instrument fully executed in a form legally sufficient for recording with the Antrim County Register of Deeds, including a legal description of the requested parcels. Areas shall be shown to the square foot on parcels of less than one acre and acres to the one-hundredth of an acre on parcels larger than one (1) acre.

3. All existing and proposed deed restrictions for the property(s), including any required easements for drainage, roads or utilities attached in recordable form.

4. Name, address and phone number of the property owner(s) and all others holding interest in the property. Satisfactory evidence of ownership or interest shall be presented to the Township.

5. If the division or partition of the parcel will result in a minimum lot size less than the requirements of Act 288 of the Michigan Public Acts of 1967, as amended, and/or the applicable provisions of the Zoning Ordinance or its successor ordinance, if any, then the applicant shall submit in addition a fully executed affidavit in form legally sufficient for recording with the Antrim County Register of Deeds and signed by all persons who have any legal or equitable interest in the parcel acknowledging that they understand the partitioned or divided parcel or parcels may not thereafter be developed or used separately but only in conjunction with the adjoining parcel or parcels of land.

D. CRITERIA FOR APPROVAL OR DENIAL OF LOT SPLITS The following criteria shall be used as a basis upon which lot splits will be reviewed by the office of the Supervisor, Clerk, Treasurer, Board and Assessor:

1. No lot splits shall be approved if the proposed resultant parcels contain less area than required by the minimum standards of this Zoning Ordinance, except where resultant abutting parcels under the same ownership are combined to meet, or exceed the minimum size.

2.The ratio of lot depth to width shall not exceed four (4) to one (1).

3.All lots shall be provided with a satisfactory means of access to a public road or a private road complying with the provisions of this Ordinance and the provisions of the Elk Rapids Township Subdivision Control Ordinance. Property lines shall be laid out to promote efficient development with shared access to roads available for future development.

4.The size, shape, orientation, and existing zoning of the lots shall be appropriate for the type of development and land use contemplated. No split shall be approved which would conflict with existing drainage ditches, natural watercourses, easements or public right-of-way.

5.No lot splits shall be granted which are contrary to, or in violation of, the Subdivision Control Act, P.A. 288 of 1967, as amended.

6.No lot split shall be approved if the division would reduce any required open space, yard space or off-street parking space below the minimums required by this Ordinance or if the division would effectively allow the avoidance of the requirements of this Ordinance and those of the Elk Rapids Township Subdivision Control Ordinance.

7.No lot splits shall be approved which would preclude the feasible and efficient development, division or access for remaining or abutting lands affected by the proposed split. No lot shall be created solely of sand dunes area, wetland area, drainageways, lake or river bottom, lands within the 100 year floodplain or stream bed based on the I.G.L.D. Ordinary High Water (1955) (International Great Lakes Datum) 579.8 feet.9

Amend 6.02

6.02 A. Every lot in this zone shall have:

1. An area of 1.5 acres and a width ~~at the building line~~ at all points from front to back of at least two hundred (200) feet.

6.02 D.Every dwelling shall have a minimum usable floor area of nine hundred and sixty (960) square feet. The ~~minimum width~~ dwelling shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.

Amend 7.02.

7.02 D.A minimum width of one hundred (100) feet at all points front to back.

7.02 GEach dwelling unit shall have a minimum usable floor area of nine hundred and sixty (960) square feet. The ~~minimum width~~ dwelling shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.

7.02 H.Lot Area - All lots in this zone shall have minimum ~~width of one hundred (100) feet at the front yard setback line and shall have a minimum~~ lot area of twenty thousand (20,000) square feet.

Amend 8.03

8.03 C.Lot Area - Every lot shall have a minimum width ~~at the front yard setback line~~ at all points from front to back of at least one hundred fifty (150) feet and a minimum area of thirty thousand (30,000) square feet.

8.03 D.The dwelling unit shall have a minimum usable floor area of nine hundred and sixty (960) square feet. The ~~minimum width~~ dwelling shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.

Amend 8.04

8.04 C.Lot Area - Every lot shall have a minimum width ~~at the front yard setback line~~ at all points from front to back of at least one hundred fifty (150) feet and a minimum area of fifteen thousand (15,000) square feet per unit.

8.04 D.Each dwelling unit shall have a minimum usable floor area of six hundred (600) square feet. The ~~minimum width~~ dwelling shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.

Amend 8.05

8.05 A.Lot Area - all unplatted single-family lots within this zone shall have a minimum width at all points from front to back of one hundred fifty (150) feet ~~at the front yard setback line~~ and shall have a minimum lot area of thirty-five thousand (35,000) square feet.

8.05 B.The dwelling unit shall have a minimum usable floor area of nine hundred and sixty (960) square feet. The ~~minimum width~~ dwelling shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.

Amend 8.06

8.06 A.Lot Area - All unplatted lots upon which two-family dwellings shall be located shall have a minimum width at all points from front to back of one hundred fifty (150) feet ~~at the front yard setback line~~ and shall have a minimum lot area of seventeen thousand five hundred (17,500) square feet per unit.

8.06 B.Each dwelling unit shall have a minimum usable floor area of six hundred (600) square feet. The ~~minimum width~~ dwellings shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.

Amend 9.02

9.02 D. 2.A minimum area of forty thousand (40,000) square feet with a minimum width ~~as measured at the building line~~ at all points from front to back of one hundred fifty (150) feet.

9.02 E.The average usable floor space per dwelling unit per building shall be at least six hundred (600) square feet. The ~~minimum width~~ dwellings shall not be made up of additions of a dissimilar type or quality of construction or materials. No dimension shall be less than twenty (20) feet.

Amend 12.04

Uses permitted when authorized by special use permit (special exception)

The following use of land and structures may be permitted by the application to the Planning Commission for the issuance of a special use permit (special exception Chapter XVII, Section 17.07) when specified procedures and requirements, as outlined in the article and section cited, are complied with:

(1)Marine Repair Facility

Amend 13.01

(Fix typographical error)
1st paragraph, 9th line: should be "for" not "fore"

Amend 13.02 B.

(Fix typographical error)
1st word, should be "At" not "An"

Amend 13.03

~~13.03 B.If, as a result of voluntary sale or conveyance, or any other transfer of ownership whatsoever, the area shall cease to be held, in its entirety, in single or common ownership.~~