Elk Rapids Township Planning Commission
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JANUARY 6, 2004 BOARD MEETING

The Regular Monthly Meeting of the Elk Rapids Township Planning Commission was called to order by Vice-Chairman Jim Lundy on Tuesday, January 6, 2004, at 6:30 PM, at the Elk Rapids Township Hall, corner of Spruce & River Streets, Elk Rapids, MI. Present: Tom Dame, Emile Sabty, Shen Smith, Don Glowicki, Jr. Harry Potter & Jim Lundy. Absent – Renee Mischel. A quorum was. Also Present: Len Harrett the Township Zoning Administrator, Lukas Hill the Planning Advisor. Also, Norbert Rook, Pat & Carol Brady and Carolyn Shah.

PUBLIC HEARING – PROPOSED TEXT AMENDMENTS FOR THE ENVIRONMENTAL ZONE:
In the absence of the chairman the public hearing was opened to the public with the proposed amendments read into the official record.

AMEND - Table of Content - Chapter X "E" Environmental Zone

- Replace Section 10.03 Title heading from "**Uses Subject to Special Approval**" to "**HEIGHT, AREA, AND YARD RESTICTIONS.**
- Replace Section 10.04 Title heading from "**Designation of Certain Swampy Wetlands**" to "**SHORELAND'S PROTECTION ZONE".**
- Replace Section 10.04 Title heading from "**Shoreland's Protection Zone**" to **GENERAL REQUIREMENTS".**

AMEND -

Remove entire Chapter X – "E" Environmental Zone from Ordinance and replace with the below proposed amended text.

CHAPTER X - "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) 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) 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 significant 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 DNR 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 buffing features. All vegetation to be retained on the site must also be indicated. A minimum vegetation buffer area as required by section 10.06 hereof.

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 10.02, A, 1 and 2 to be applied. (Refer to Section 1.03, A).

Section 10.03 – HEIGHT, AREA, AND YARD RESTICTIONS

A. Required Yard Setbacks:

1. Front Yard: Fifty (50) feet.

2. Rear Yard: Thirty Five (35) feet.

3. Side Yard: Ten (10) feet for each side, totaling at least twenty (20) 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. All regulated wetlands areas shall be subtracted from the total land area to provide the total 20,000 square foot required lot area.

E. Dwelling Area: All dwellings shall have a minimum of nine hundred sixty square (960) feet. No dimension shall be less than 20 feet.

Section 10.04 - SHORELAND'S 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 thirty (30) 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.

Public input: Patrick Brady wished to discuss what exactly a "regulated wetland" was. It was explained by Lukas Hill that a regulated wetland did not pay attention to property lines and would cross property lines. A regulated wetland was usually more than two acres in size. As there was no further public input, a motion was made by Shen Smith, 2nd by Tom Dame to close the public hearing. MOTION CARRIED Y-6, N-0. A motion was then made by Emile Sabty, 2nd by Tom Dame to approve the text amendments and send them to the Antrim County Planning Commission for review. MOTION CARRIED, Y-6, N-0.

GRACE LUTHERAN CHURCH: Vice Chair Jim Lundy un-tabled discussion on the Grace Lutheran Church Site Plan. Lukas Hill gave a report regarding issues that previously pending with the site plan indicating that all conditions had been corrected. Noting specifically that the actual height of the roof peak is 32', MDOT will not provide waiver letters, photo meteric layout not on plan, letter from H. Lang, and discussed Elk Rapids Township possibly hiring an engineer for engineering outlook. Discussion indicated the Planning Commission was satisfied with the lighting plan. A motion was made by Shen Smith, 2nd by Tom Dame to approve the Site Plan with all attachments and documentation. MOTION CARRIED, Y6, N-0.

Minutes of December Meeting. A motion was made by Shen Smith, 2nd by Emile Sabty to approve the minutes of the December 2, 2003 meeting. MOTION CARRIED, Y-6, N-0.

Non-Conforming Structures, Uses & Lots: As the three month moratorium will be expiring the end of January, it was decided to un-table the two pending upgrade applications and get them off the table. Jonkers & Keskey will be on the agenda for the February meeting.

Review of Text for proposed Non-Conforming Structures, Uses & Lots. Emile Sabty repressed his dissatisfaction with the proposed amendment text and presented an ordinance he had written. Jim Lundy went through Mr. Sabty's proposed amendment section by section in comparison with the text written by L. Hill. E. Sabty will send a copy of his Section 103 DD to L. Hill for review. Len Harrett indicated that it might be possible to meld both versions together. L. Hill will work on a revised draft incorporating both versions then have it reviewed it with the Elk Rapids Township Attorneys.

As there was no other business at this time, a motion was made by Shen Smith, 2nd by Tome Dame to adjourn. MOTION CARRIED.

Meeting was adjourned at 9:01 PM.

Respectfully submitted,

Shen Smith
Secretary