

Excerpt from the Elk Rapids Township Zoning Ordinance

Section 2.11 - RESTRICTIONS APPLICABLE TO PROPERTY ABUTTING LAKES, RIVERS OR STREAMS

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, controlling erosion, and preserving the natural setting of the shoreline, the following provisions are applicable:

- A. 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. For undeveloped lots only no more than thirty (30) percent of all living trees and shrubs may be removed by cutting them to grade level. 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 and natural ice dams shall be allowed within this native protection strip.

If the applicant desires to remove thirty (30) percent of all living trees and shrubs as noted above the applicant shall submit a site plan in accordance with Chapter 17 and specifically document all trees and shrubs 25 feet landward of the shoreline or streambed. A count of trees and shrubs shall be documented including the type and size. The site plan shall be prepared by a Natural Shoreline Professional certified by the Michigan Natural Shoreline Partnership or a qualified professional and shall detail the proposed modifications to the property to enable the Planning Commission to determine the extent and potential impacts of proposed changes. In addition to the review process outlined in Chapter 17, prior to Planning Commission action on the request, the applicant shall submit the site plan to the Antrim County Soil Erosion Control Officer for review.

The tree/shrub removal design shall make every effort possible to maintain a forested/wooded shoreline character.

The Planning Commission may require a performance guarantee as outlined in Section 17.08 to insure only designated trees and shrubs have been removed as indicated on the site plan approved by the Planning Commission. An inspection coordinated with the Township Zoning Administrator and the Antrim County Soil Erosion Control Officer shall take place after the thirty (30) percent site modification has been completed to determine whether stipulations have been met and whether Township permits can be issued. If the condition of the site is in compliance with approved plans, any such performance guarantee shall be returned to the applicant.

- B. If living trees and shrubs are proposed for removal in excess of those permitted in Section 2.11-A, or if land alterations will occur within the native protection strip specified above, the following requirements must first be met:
 1. The applicant shall submit a site plan in accordance with Chapter 17. The submission requirements for the site plan shall include items 17.04-A 1-14, and 17.04-B 1-7 and 22. The site plan shall be prepared by a Natural Shoreline Professional certified by the Michigan Natural Shoreline Partnership or a qualified professional and shall detail the proposed modifications to the property to enable the Planning Commission to

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determine the extent and potential impacts of proposed changes. In addition to the review process outlined in Chapter 17, prior to Planning Commission action on the request, the applicant shall submit the site plan to the Antrim County Soil Erosion Control Officer for review.

2. The shoreline erosion design shall make every effort possible to maintain a forested/wooded shoreline character by maintaining existing trees and shrubs in the design and construction of the new shoreline protection system.
 3. The Planning Commission may require a performance guarantee as outlined in Section 17.08 to insure completion of any restoration, native landscaping or other features of the proposed modifications. An inspection coordinated with the Township Zoning Administrator, conducted by the Antrim County Soil Erosion Control Officer shall take place after the modifications have been completed to determine whether stipulations have been met and whether Township permits can be issued. A second inspection coordinated with the Township Zoning Administrator, shall be conducted by the Antrim County Soil Erosion Control Officer one year after Township permits have been issued to determine whether any required performance guarantee can be relinquished to the applicant. If the condition of the site is in compliance with approved plans, any such performance guarantee shall be returned to the applicant.
 4. The Planning Commission shall consider the recommendation of the Soil Erosion Control Officer, the extent of proposed vegetation removal or land alteration, proposed restoration, existing and proposed topography, and the location of any nearby structures. The application shall be approved where it is shown that the proposed modifications will not be injurious to shoreline on adjacent properties, and where the plan demonstrates an intent to improve a situation that is dangerous to the general public or harmful to water quality because of unchecked or potential shoreline erosion, sediment runoff or water pollution.
- C. In special situations, the Zoning Administrator may issue a Zoning Permit to grant the removal of a tree in the 25-foot protection zone for safety and health reasons. If the Zoning Administrator finds there is good cause for a tree to be removed from a property for the reasons outlined below, the property owner will be required to plant a replacement tree with a minimum caliper size of two (2) inches for a deciduous tree and six (6) feet in height for a conifer tree. In the event the Zoning Administrator questions the removal of a tree, the request may be referred to the Planning Commission for consideration.
1. The tree proposed for removal has been damaged by a storm or wind, or is diseased or dead and presents a safety hazard to the property or adjacent property. The root base of the tree shall not be removed for soil erosion purposes. For these specific situations, no tree replacement is required.
 2. The tree proposed for removal is a nuisance to the property owner due to tree sap that causes a reduction in enjoyment of the water front property. The root base of the tree shall not be removed for soil erosion purposes.