

CHAPTER XII

117.1200

"E" ENVIRONMENTAL ZONE

117.1201 Purpose.

Sec. 12.01. The Township contains many land areas connected to or adjoining, lakes, rivers, and streams and which have a high water table or are wholly or partially submerged, and which are grown over with grass, shrubs, trees and other vegetation which provide a natural protection for numerous forms of wildlife. In addition, other areas of the Township contain buildings, structures, or sites which may be or have been designated as historic preservation sites by the State of Michigan and/or the federal government. These areas are not naturally suitable for use of habitation by people, buildings and structures and cannot be converted to such use without dredging, filling, clearing, excavation and drain operations which would disturb the natural character of the area and/or which might contribute to the change in the character and purity of the adjoining waters or require special protection to assure the continued preservation of the building, site or structure as an historic site. The provisions of this Chapter are intended to prohibit the alteration of these areas except where such alterations can contribute to the overall use and enjoyment of the areas by the people and/or the preservation of such areas as historic sites; and where such alterations have no substantial deleterious effect upon the natural environment.

117.1202 Permitted uses.

Sec. 12.02. No use shall hereafter be permitted within the Environmental Zone except the following:

- A. Public and private access by pedestrians, boat or non-highway special vehicles to hunt, trap or fish as provided by law, or to observe and enjoy the water, vegetation and wildlife in its natural state.
- B. Construction of or provision of footpaths or narrow walkways for access to these areas provided that the cutting of vegetation shall be a minimum 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.

117.1203 Uses subject to special approval.

Sec. 12.03. No other uses shall be permitted within the Environmental Zone without prior application and special approval by the Planning Commission. Application for special approval by the Planning Commission shall be processed as Special Use in accordance with the provisions of Section 18.07. In determining whether to grant such special approval, the Planning Commission in making its determination shall consider the purposes and standards established for this zone as set forth in Section 12.01 and the effect of the proposed specially approved use thereon. If special approval is granted, the height, area, and width requirements contained within the R-2 Zone in which the use would otherwise be allowed will be applicable.

117.1204 Designation of certain swampy wetlands.

Sec. 12.04. Any parcel or parcels of land bordering on a lake, river or stream or high water table area may be designated within the Environmental Zone if said parcel is generally swampy and satisfies any one of the following minimum requirement:

- A. The major portion of the natural ground level is less than six (6) feet higher than the known water level of the adjoining lake, river or stream.
- B. The maximum ground water elevations are within six (6) feet of the natural ground surface during winter, spring or periods of prolonged rainfall.
- C. The area does not meet the minimum criteria for certification of sewage facilities established by the District 3 Sanitary Code or District 3 Health Department based upon seasonal high water levels.
- D. The soil is predominantly made up of "somewhat poorly drained", "poorly drained", and/or "very poorly drained" organic and/or mineral soils as defined by the Cooperative Soil Survey of Antrim County by the U. S. Department of Agriculture.

117.1205 Shoreland's protection zone.

Sec. 12.05. Certain land 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 and the height, area and width requirements contained within the R-1 Zone in which the use would otherwise be allowed will be applicable.