

**Milton Township**  
Antrim County  
Zoning Amendment #2024-03

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND SPECIFIC REQUIREMENTS FOR SHORELINE PROTECTION STRIPS AND WATERFRONT PROPERTY AND BOAT DOCKAGE REGULATIONS.

MILTON TOWNSHIP HEREBY ORDAINS:

**Section 1:** Amendment.

Amend the following definition:

**117.219 "S"**

**Shoreline Protection Strip:** The portion of a parcel, lot, or unit, located within twenty-five (25) feet from the shoreline of any lake, river, or stream abutting or traversing the property for the purpose of filtering runoff, providing shade and wildlife cover and bank stabilization.

Amend the following Section:

**117.320 Waterfront Property and Boat Dockage Regulations.**

Remove D. Restrictions applicable to property abutting lakes, rivers or continually flowing streams.  
3. Shoreline Protection Strip in its entirety.

Add the following Section:

**117.326 Shoreline Protection Strip**

A shoreline protection strip, as defined herein, shall be provided on all waterfront lots when clearing, grading, or construction is done within the shoreline protection strip, in accordance with the following provisions. Public parks and recreational areas are exempt.

- A. Permit Required. Prior to undertaking any earth change, removal of vegetation/trees, or construction within the Shoreline Protection Strip, the property owner shall obtain a permit for such work from Milton Township and all applicable permits from the State of Michigan and/or Antrim County.
- B. If a Shoreline Protection strip does not currently exist, new plantings are required to establish a Shoreline Protection Strip as per this section of the ordinance when clearing, grading, or construction is completed.
- C. The Shoreline Protection strip shall not be less than twenty-five (25) feet in depth and extend to not less than 80% of the width of the shoreline property. Existing conditions at or within twenty-five (25) feet of the shoreline may limit the dimensions of and the area coverage of

the Shoreline Protection Strip as determined by the Zoning Administrator or Planning Commission.

D. Within the shoreline protection strip, twenty (20%) percent of existing trees and shrubs may be selectively removed or thinned to enhance a filtered or corridor view of the water and for reasonable private riparian access to the water. Within the remaining 80% of the shoreline protection strip, selected pruning activities may occur. The root systems of any removed tree or shrub shall remain in place for shoreline stabilization. Tree-topping and clear cutting is prohibited.

E. Existing natural vegetation shall not be removed to comply with this section of the ordinance. Planted lawn is not considered natural vegetation. Natural native vegetation shall be enhanced/supplemented to comply with the requirements of the ordinance.

F. Site Plan Requirements

In addition to the requirements of Section 117.2302, the following shall be required on the site plan.

1. The plan shall demonstrate that the natural or restored habitat minimizes the impact to fish, wildlife and general water quality by providing natural ground cover within a shoreline protection strip.
2. Location of existing vegetation showing the species and location of trees, shrubs and ground cover within the proposed disturbance area to be saved, moved, or removed.
3. Proposed means of protecting existing plant materials during construction.
4. Location of proposed plant materials.
5. Planting list of proposed materials, showing sizes, height, quantity, botanical and common names, and spacing.
6. Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls and tree wells.
7. Such additional information as the Zoning Administrator or Planning Commission determines is necessary to properly locate and identify existing conditions and proposed landscaping changes.

G. Planting Requirements

1. All planting shall use Native Plants of Northern Michigan as determined by Tip of the Mitt Watershed Council.
2. Native vegetation shall be required at a minimum rate of one (1) tree and three (3) shrubs per fifteen (15) lineal feet of shoreline and shall meet the minimum size standards in the

table below. The remainder of the shoreline protection strip shall be planted with trees, native wildflowers, vines, grasses, rushes, sedges, and/or ferns. The shoreline protection strip area (including under trees) shall primarily consist of a dense covering of plants, trees, and shrubs.

3. Maintained lawns shall be prohibited.
4. Shrubs and plants shall be spaced so that coverage is complete within a two (2) year period and provide complete ground cover of the shoreline protection strip.

| PLANTING SIZE STANDARDS                 |   |
|---|---|
| Plant Material                          | Minimum Size                            |
| Deciduous (canopy) Trees                | 2.5" caliper measured at 4' above grade |
| Coniferous (evergreen) Trees            | 6' height                               |
| Deciduous Shrubs                        | 2' height                               |
| Upright Coniferous (evergreen) Shrubs   | 2' height                               |
| Spreading Coniferous (evergreen) Shrubs | 18" spread                              |

#### H. Shoreline Protection Strip Exemptions.

The following activities are not required to establish a shoreline protection strip.

1. Planting of native trees, shrubs or other plants.
2. Post holes for stairways, utility posts, mailboxes or similar applications, if no additional grading or earth change occurs for the use of the post holes.
3. Removal of dead, diseased, unsafe or fallen trees, and trees of less than nine (9) inches in circumference (measured at a height of four (4) feet) and noxious plants and shrubs, including poison ivy, poison sumac and poison oak. Tree stumps shall not be removed so shoreline stability is retained, except as provided below.
4. Seawall repair/maintenance, provided the area to be repaired/maintained does not exceed one hundred (100) square feet. If a seawall on an inland lake requires repair/maintenance of more than one hundred (100) square feet, the parcel owner shall establish a Shoreline Protection Strip above the sea wall and seek a permit.
5. Earth changes necessary for the proper installation of MDEQ approved measures to mitigate shoreline erosion caused by wave action and /or to prevent ice damage to the shoreline.

#### I. Structures allowed.

Only the following structures are allowed within the shoreline protection strip. The addition of these structures do not require additional plantings as long as removal of existing vegetation does not exceed the minimum necessary.

1. Boat Access. Excavation for a boat access may be constructed to the water's edge to a maximum width of twenty (20) feet, at its widest point. Said excavation shall have a pervious horizontal surface. One boat access is permitted per one hundred (100) foot parcel. Parcels of over one hundred ninety-nine (199) feet of frontage shall be limited to one boat access on each one hundred (100) foot section of frontage.
2. Deck. Within the Shoreline Protection Strip, a ground level deck, patio or steps not greater in width than twenty (20) feet width by fifteen (15) feet in depth may be constructed in lieu of excavation for boat access provided in this section. The deck or patio must be constructed of pervious surfaces and have ten (10) feet of vegetation effective in retarding and filtering run-off and preventing soil erosion between said structure and the shoreline. When the Michigan Building Code requires railings, they shall not exceed minimum Building Code requirements. Impervious surfaces more than four (4) feet wide must be graded to shed water runoff away from the shoreline, at a slope of not less than 1:60.
3. Steps. One stairway providing access to the water shall be allowed. The maximum width of the stairway shall be four (4) feet in width.
4. Fencing. No fences shall be permitted within the shoreline protection strip.
- J. Requirements and Recommendations for the upland area. In the area between the upper border of the twenty-five (25) foot Shoreline Protection Strip and fifty (50) feet upland from the shoreline.
  1. A patio placed in this area shall be constructed of pervious surfaces. Impervious surfaces for steps shall not exceed four (4) feet in width and shall be graded to shed water runoff away from the shoreline, at a slope of not less than 1:60. The water runoff shall be further directed to promote filtration such as by retention in rain gardens, swales or other methods of retarding runoff.
  2. French drains and any other enclosed pipes used for redirecting surface water shall not flow directly into water bodies but shall be directed to areas of water retention and filtration.
  3. Native trees, shrubs, plants and tall grasses are recommended for planting in this area to further protect water quality, preserve sensitive wildlife habitat and reduce soil erosion and sedimentation run-off.
  4. Methods for slowing, spreading and retaining storm water (surface water) such as swales berms and vegetated protection strips and rain gardens are recommended.
  5. It is recommended that no fertilizers, herbicides or pesticides be applied within this area.
- K. Violations. Removal of vegetation and/or trees that does not comply with the requirements shall be replaced as described below:
  1. Replanting shall occur the same growing season. If, due to the weather, planting the same year is not feasible, plantings must be complete by June 15 of the next growing season.

2. If work in the shoreline protection strip occurs in violation of this ordinance, the property owner shall cause for the shoreline protection strip to be replanted and restored to the previous condition prior to the work in violation of the ordinance. Trees shall be replaced at the following rate. If the size of the vegetation removed cannot be determined then the planting shall occur at the largest sized tree or shrub.

| <b>Vegetation Removed</b>   | <b>Maturation</b>          | <b>Planting Required<br/>(Removed Number :<br/>Required Number to<br/>Plant)</b> |
|-----------------------------|----------------------------|--|
| Canopy Tree                 | 3" or less caliper         | 1:1  |
| Canopy Tree                 | 3" to 6" caliper           | 1:2  |
| Canopy Tree                 | 6" to 9" caliper           | 1:3  |
| Canopy Tree                 | 9" to 12" caliper          | 1:4  |
| Canopy Tree                 | Greater than 12: caliper   | 1:5  |
| Evergreen or Flowering Tree | 8' of less in height       | 1:1  |
| Evergreen or Flowering Tree | 8' to 12' in height        | 1:2  |
| Evergreen or Flowering Tree | 12' to 16' in height       | 1:3  |
| Evergreen or Flowering Tee  | Greater than 16' in height | 1:4  |
| Shrub                       | Any Size                   | 1:1  |

**Section 2:** Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

**Section 3:** Effective Date.

This Ordinance shall become effective eight (8) days after publication.

TOWNSHIP OF MILTON:

\_\_\_\_\_  
Chris Weinzapfel, Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Janet Beebe, Clerk

\_\_\_\_\_  
Date

Public Hearing Date: April 2, 2025  
Published Date: October 30, 2025  
Effective Date: November 7, 2025