

2. Lands running parallel to an existing public road adjoining the parcel to a depth of not less than thirty (30) feet shall be included within the preserved open lands and shall be maintained as natural woodlands. If such lands do not include existing forest, the applicant shall commit to a reforestation plan sufficient to provide visual screening to the development, within not more than ten (10) years.
 3. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the require 50% provided in this section.
 4. Lands to be included within permanently dedicated open space may not include areas containing or impacted by gas or oil wells, personal wireless communication facilities, electrical transmission lines, surface mines or similar elements; but may include detention or retention facilities if designed to reflect a natural wetland.
- C. The maximum number of lots that may be approved shall be computed by subtracting from the project's total gross acreage a fixed percentage of 15% for street right-of-way purposes, and multiplying the remaining area by the maximum dwelling unit density available for the district.
- D. Lot area may be reduced up to 50% of the required lot size and lot width may be reduced up to 33% of the required lot width in the district.

117.320 Waterfront Property and Boat Dockage Regulations.

- A. Intent and Purpose: To provide reasonable regulations for shoreline, watercraft and dock usage within Milton Township in order to:
1. Retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes, streams and rivers.
 2. Preserve and protect the quality and safety of lakes, streams, rivers and shorelines.
 3. Preserve and protect the rights of riparian owners and users as well as other township residents.
 4. Promote the health, safety and welfare of persons making use of lakes, streams, rivers and adjacent properties.
- B. Scope and Application.
- The terms and provisions of this section shall be interpreted and applied as standards and requirements for:
1. Promotion and protection of public health, safety, welfare and public peace.
 2. Preservation of natural resources and public and private resources within the Township.
- C. General Regulations.
1. Number of Watercraft Spaces per Lot Width. No watercraft shall be utilized or docked on or adjacent to each "water frontage" except as allocated in the following chart.

Lot width (per the most recent of Township tax roll or County GIS)	Number of spaces^{1, 2} (See Chart Notes)
1-33	1
34-67	2
68-133	3
134-167	4
168-200	5
201-233	6
234-267	7
268-300	8
301-333	9
334-367	10
368-400	11

Chart Notes:

1. A jet ski (personal watercraft) shall be counted as one-half (1/2) of a space.
2. One (1) additional watercraft space for each thirty-three (33) feet of frontage beyond four hundred (400) feet.

2. Number of Docks. One (1) dock shall be allowed, used, or installed for each lot, and one (1) additional dock will be allowed for each one hundred (100) feet of frontage beyond the first one hundred (100) feet of frontage.
3. Dock Length. No dock shall extend more than eighty (80) feet into a body of water, measured perpendicularly from the shoreline, unless necessary to reach water with a depth of four (4) feet, and then no further than necessary to reach such depth. Docks on a river shall conform to DEQ requirements.
4. Common Docks. Two (2) adjoining lots or parcels which have frontage directly on a lake may share one (1) common dock with no more than the sum of each parcel's allocated moorings being utilized in total for both parcels. No other docks shall be allowed for the two (2) lots or parcels except the one (1) common dock.
5. Marine sewage pump-out facility. Any dock facility providing dockage for four (4) or more boats with Marine sewage holding tanks on board shall provide a marine sewage pump-out service to a Health Department approved sewage disposal facility.

D. Restrictions applicable to property abutting lakes, rivers or continually flowing streams.

Many lands within the Township are connected to, adjoin or abut surface water bodies, as defined herein. In the interest of protecting the water quality and the natural setting of the shoreline, the following provisions shall be applicable:

1. Groins. No permanent groin wall structure, as defined by the Michigan Department of Environmental Quality (DEQ), shall be installed as a shore land erosion control device on any inland lakes and streams.
2. Docks and piers. Man-made extensions from the shoreline into or over said surface water bodies shall have an open sub-structure construction so as to allow the free and unrestricted' movement of the inland waters littoral current.4.
3. Shoreline Protection Strip. A shoreline protection strip, as defined herein, shall be provided on all waterfront lots, in accord with the following provisions.

- a. Permit Required. Prior to undertaking any earth change or removal of vegetation 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.
 - i. The applicant shall prepare a complete sketch plan detailing the proposed tree and vegetation removal, soil erosion control and restoration activity. Such sketch plans shall meet the requirements of Section 117.2102 of this Zoning Ordinance and shall include the location of any structures, including decks, patios, steps or paths. The location and elevation of the shoreline as defined herein, shall be indicated. Such sketch plan shall include existing topographic contours at one (1) foot intervals if the slope within any portion of the Shoreline Protection Strip is 1:12 or greater and proposed topographic contours regardless of existing slope. Such sketch plan shall also illustrate existing and proposed vegetation by location and species.
 - ii. Site plan review for single family dwellings on individual lots shall be conducted by the Zoning Administrator. The Zoning Administrator may seek the assistance of a planning commissioner and/or other qualified individuals as he/she deems necessary. Projects exceeding two thousand (2000) square feet are to be reviewed by a Planning Commission Committee and may draw on the expertise of others like engineers, planners, environmental organizations, etc. An escrow account may be required by the Township to offset the Township's cost for professional assistance
 - iii. If a Shoreline Protection Strip does not currently exist, new plantings are required to establish a Shoreline Protection Strip. New vegetation must be native to the Great Lakes region. Lawn grasses shall not qualify as natural vegetative cover.
 - iv. 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. Public parks and recreational areas are exempt from this provision.

b. Sketch Plan Approval Standards

- i. The following standards shall be considered by the Zoning Administrator or Planning Commission when reviewing the sketch plan submission:
 - a) The sketch 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.

b) Natural shrubbery, trees and other vegetation shall be preserved as far as practicable, and where removed shall be replaced with other vegetation that is native to the Great Lakes region and equally effective in retarding and filtering runoff and preventing soil erosion. The Shoreline Protection Strip area (including under trees) shall primarily consist of a dense covering of low-growing plants and shrubs. Shrubs and plants shall be spaced so that coverage is complete within a two (2) year period.

c) The sketch plan shall demonstrate that erosion and sedimentation runoff shall be prevented and shall comply with part 91 of Public Act 451 of 1994 as amended, and any applicable local Soil Erosion Sedimentation and/or Storm Water Runoff Control Ordinances.

d) 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; proposed means of protecting existing plant materials during construction.

e) Location of proposed plant materials; a planting list of proposed materials, showing sizes, height, quantity, botanical and common names, spacing.

f) Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls and tree wells.

g) Such additional information as the Zoning Administrator or Planning Commission determines is necessary to properly locate and identify existing conditions and proposed landscaping changes.

c. Permit Exemptions without a waiver from the Township Zoning Administrator. The following activities shall not require a permit under Section 117.320, D, 3, a.(Permit required): (The exemptions listed below do not apply if the activity results in sediment flowing into lakes or streams.)

i. Planting of native trees, shrubs or other plants.

ii. Post holes for fencing, decks, utility posts, mailboxes or similar applications, if no additional grading or earth change occurs for the use of the post holes.

iii. Removal of dead, diseased, unsafe or fallen trees, or 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 in Section 117.320, D, 3, b. (Boat Access) and c. (Deck, Patio or Steps)

iv. 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 per Section 117.320, D, 3, a. (Permit Required).

d. Permit Exemption with a waiver from the Township Zoning Administrator. The following activities shall not require a permit under Section 117.320, D, 3, a. (Permit required)

i. 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.

e. Boat Access. Excavation for a boat ramp 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.

f. Deck, Patio or Steps. 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 under Section 117.320, D, 3, d. (Boat Access). 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.

4. 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.

a) 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.

b) 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.

c) 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.

- d.) Methods for slowing, spreading and retaining storm water (surface water) such as swales berms and vegetated protection strips and rain gardens are recommended.
- e.) It is recommended that no fertilizers, herbicides or pesticides be applied within this area.

117.321 Residential Waterfront Access Restrictions

Residential development(s) shall not include common waterfront access for dwelling units that are not located on a parcel or condominium unit with direct water frontage, unless such common waterfront access area includes at least one hundred (100) feet of frontage for each dwelling unit entitled to such common waterfront access.

117.322 Height Provisions and Exceptions.

- A. Access to all buildings and structures by the Township Fire Department must be reasonably assured by design at time of construction if the eave height at the road or fire access side will be greater than thirty (30) feet. Church steeples are excluded from this restriction.
- B. Barns, silos and other agriculturally-related structures shall not exceed ninety (90) feet in height.

117.323 Architectural Appurtenances and Structures

- A. Architectural features such as eaves, overhangs, fixed canopies, chimneys, and unenclosed roof structures may not extend or project into any required side, rear or front yard setback area. Likewise, raised decks, steps and similar accessory buildings or structures may not extend into a required setback area. Fences, ground level patios, walkways and similar structures for pedestrian movement may be constructed in any yard setback area, except as further restricted by the requirements of Section 117.320, D pertaining to the shoreline protection strip.
- B. The Zoning Administrator will determine compliance acceptability and can approve specific requests which are consistent with the Ordinance intent but where interpretation questions arise because of uneven terrain and/or safety issues. In no case can an accessory structure or architectural feature projecting into the setback area result in drainage to an adjacent property or into any lake, river or stream.

117.324 Private Garage Sales

Private garage or yard sales for the sale of personal property belonging to the owner or occupant of such property shall be permitted, if limited to no more than two (2) such sales per calendar year with each sale not to exceed three (3) days. Further, one (1) sign of no more than four (4) square feet in area is permitted. The sign cannot be illuminated or animated.

117.325 Farm Markets

Farm Markets shall be permitted by right in the A and A-R districts and may be conducted in a physical structure or in the open and are considered part of a farm operation. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over a five [5] year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. The farm market may operate seasonally or year-round, and may include marketing activities to attract customers and facilitate retail trade business transactions.