

UPDATED ORDINANCE LANGUAGE – CHAPTER 5 (with Antrim County Planning Commission additions on July 1, 2025, at D. Additional Restrictions)

CHAPTER 5: SUPPLEMENTAL REGULATIONS

SECTION 5.02: SUPPLEMENTAL WATERFRONT, LAKE, STREAM, FLOOD PLAIN, AND WETLANDS REGULATIONS

Section 5.02.02 – Restrictions Applicable to Property Abutting Lakes, Rivers or Streams

Many lands within Helena Township are connected to, adjoin, or abut lakes, rivers, or streams. In the interest of protecting the water quality, aesthetics, property values, quiet environment of homes and cottages, and the natural setting of the shoreline, and to prevent overcrowding of shorelines and water bodies and the natural setting of the shoreline, the following provisions shall be applicable.

- A. No permanent groin wall structure, defined as any shoreline perpendicular structure used to maintain updrift beaches or restrict longshore sediment transport shall be installed as a shoreline erosion control device on any of the inland lakes, rivers and streams within Helena Township.
- B. All man-made extensions from the shoreline into or over said inland lakes, rivers and streams shall have an open sub-structure construction so as to allow the free and unrestricted movement of the inland waters littoral current.
- C. A strip of natural vegetation shall be maintained to a depth of twenty-five (25) feet from the high water mark of the inland lakes, rivers, or streams abutting or traversing the property in question. Within such area, no more than thirty (30) percent of all living trees and shrubs shall be removed by cutting them to grade level. The remaining trees and shrubbery may be trimmed and pruned for a view of the water from the property.

Land alterations within the shoreline protection buffer are subject to the following conditions.

- 1) A site plan that prevents erosion and sediment from entering the water and an approved permit from the Antrim County Soil Erosion officer shall be presented to the Zoning Administrator prior to commencement of work;
- 2) Dimensional and structural conditions are as follows:
 - a) Upper limit on total land alterations with the shoreline greenbelt protection buffer shall not exceed fifteen (15) percent of the shoreline greenbelt protection buffer. A path or walkway may be constructed to the water's edge to width of eight (8) feet. No continuous concrete path shall exceed five (5) feet in width;
 - b) No permanent roofs or canopies.

D. Additional Restrictions.

- 1) Marinas are not allowed in residential R-1 zones.
- 2) New boathouses are prohibited **on all waterfront lots**.
- 3) Use of powered watercraft on/in the water shall be limited by the amount of water frontage per parcel:
 - I. One hundred (100) feet or less – four (4) powered watercraft permitted;
 - II. Each additional twenty-five (25) feet – additional one (1) powered watercraft permitted;
 - III. Powered watercraft capped at eight (8).
- 4) Powered watercraft may be placed in front of property by any means: lifts, docked, sea legs, moorings or anchoring.
- 5) No dock space or watercraft shall be rented.

DEFINITIONS USED AND NEEDING UPDATING IN SECTION 1.03 – DEFINITIONS

Docked or Docking: Tethering of a watercraft directly to a pier, platform, pole, dock, bulkhead, boat house or mooring; and also, the placement of a watercraft in an off-shore boat house, or the regular or overnight beaching of a watercraft.

Marina: “Marina” means a facility that is owned or operated by a person, corporation, legal entity, representative or owner’s agent that extends into / over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreation watercraft.

Mooring: A space for a single watercraft at or adjacent to a dock, in an offshore boat hoist, an overnight anchoring offshore, or a beaching location.

Private Waterfront Access: A privately-owned way or means of approach to provide physical entrance to a body of water.

Shoreline Greenbelt Protection Buffer: A strip extending along the shoreline with features that prevent erosion.

Shore Station: A floating or fixed structure used to dock and secure watercraft to protect it from the elements and which may include equipment to lift a watercraft out of water.

Powered Watercraft:

1. Powered Watercraft in which there is any type of mounted motor (gas, electric, battery or solar), or in-board motor for propulsion. Must have a legal state watercraft registration.
2. A vehicle used or capable of being used as a means of transportation on water. Any boat, pontoon boat, hydrofoil, hovercraft, jet ski, personal watercraft, jet boat, or similar vessel having propulsion that is stored on a boat hoist or mooring, but does not include canoes, kayaks, paddle boats, rowboats (without an engine), or other human powered craft or beached sailboards and sailboats.

On May 01, 2025 the Helena Township Planning Commission inquired about the proposed grandfathering language to accompany the Helena Township Zoning Ordinance. Mr. Christopher Bzdok, Helena Township attorney advised the language below:

- **Chapter 5:** Supplemental Regulations
- **Section 5.02:** Supplemental Waterfront, Lake, Stream, Flood Plain, and Wetlands Regulations
- **Section 5.02.02:** Restrictions Applicable to Property Abutting Lakes, Rivers or Streams

The following properties are legally non-conforming and are grandfathered at the current number of Powered Watercraft prior to the updated ordinance language.

1. Platt of Crystal Springs; established in 1927, Clam Lake (shared dock)
2. Northaire Resort (formerly Fred DeWitt Resort); established in 1949, Clam Lake (05-08-010-017-00)
3. South Shore Hill; Parcel #1 established in 1970, and Parcel #2 established in 1973, Clam Lake (05-08-003-003-00 through 05-08-010-021-00)
4. Moran Access; established in 1965, Torch Lake (05-08-016-021-00)
5. Cedar Shores Resort; established in 1999 (condo split with owners), Torch Lake (05-08-225-001-00 through 05-08-225-012-00)

Mr. Christopher Bzdok is an attorney and resident of Traverse City, Michigan.