

Hayes Township

2023 Draft Zoning Ordinance Edits

A municipality's Zoning Ordinance is one of its most important governing documents. Until 1974, Hayes Township did not have one and its first Zoning Ordinance was adopted in July of that year.

But municipalities in general and Hayes Township in particular are not frozen in time and to reflect that Zoning Ordinances should not be frozen correspondingly. In the last 30 years, for instance, Hayes Township has changed from a farming and agricultural community initially to one that was more of a bedroom community serving neighboring communities where Hayes Township residents were employed and, more recently, to a community supporting retirees, senior citizens, second home owners, vacationers and weekend/short term rentals.

Previous Hayes Township Planning Commissions recognized the need for the Zoning Ordinance to evolve in pace with the changes in the Township itself. Since its inception in 1974 there have been more than 25 amendments recommended by the Planning Commission and adopted by the Board of Trustees of the time. The pace of amendment actions has been inconsistent: of the more than 20 amendments enacted in the 35 years up to 2009, no fewer than 12 occurred in the 1990s alone.

The downside of working only with amendments and the associated amended Ordinance is that inconsistencies and conflicting rules creep in, particularly as such amendments are often developed in reaction to an emergent situation. The Planning Commission recognized this back in 2009 when it amended the Zoning Ordinance in its entirety. The number of amendments to the 2009 Ordinance can be counted on the fingers of one hand. Yet it may be argued that in that period the Township has changed more than in any previous comparable timeframe. Experience with applying the 2009 ordinance (with its amendments) to today's challenges and needs convinced the Planning Commission that a comprehensive overhaul of the Zoning Ordinance was needed.

As a result, the current Planning Commission has been diligently working on editing the Township's 2009 Zoning Ordinance for nearly two years. This work came out of a desire to take a step back and look at the Ordinance as a whole, to eliminate conflicts and inconsistencies and to align its content more accurately with what is relevant to the 2020s. In addition, the Planning Commission wanted to simplify what had become a large and unwieldy document, trying to enact a concept of "what you can do" versus "what you can't" and, by doing so, to make it a more user-friendly ordinance for all constituencies (residents, businesses, applicants and Township employees) to use.

Inevitably this has meant that some items have potentially been amended or even deleted, while others have been updated and, perhaps, added for the first time.

Initially, the Planning Commission's work revolved around a series of section-by-section reviews at public meetings where changes and edits were discussed. Once that work had been completed, the Planning Commission next step was to review the draft document in its entirety, to ensure that the objectives of consistency, compatibility and simplification had been

achieved. To do this as a group at a public meeting was considered unwieldly and the Planning Commission voted to ask each Planning Commissioner to submit comments to the Township Clerk for consolidation into one master draft document for review at the next convenient Planning Commission Meeting. In conformance with the Open Meetings Act (OMA), no Planning Commissioner is aware of any comments from any other Commissioner and no discussions have taken place that violate the OMA: Planning Commissioners will see this consolidated Draft Zoning Ordinance Edits concurrent with its publication on the Hayes Township website.

As has been explained a number of times at Planning Commission meetings, the Draft Zoning Ordinance Edits will be reviewed at public Planning Commission meetings, with a schedule to be determined and announced

Hayes Township

Zoning Ordinance Amendment Approximate Timeline

Item	Date
Original Zoning Ordinance	July 1, 1974
Amendment (Shoreline Protection Strip)	July 2 1979
Amendment (Shoreline Protection Strip)	July 10 1985
Amendment (Shoreline Protection Strip)	April 13 1987
Amendment (Shoreline Protection Strip, satellite dishes, zoning)	February 10 1988
Amendment (Shoreline Protection Strip)	December 23 1982
Amendment (cluster dwellings)	January 21 1982
Amendment (signs)	May 16 1994
Amendment (enforcement)	November 18 1994
Amendment (accessory dwellings, green belt)	March 17 1995
Amendment (home businesses)	March 20 1995
Amendment (PUDs)	May 16 1995
Amendment (zoning)	August 22 1995
Amendment (conservation, mining extraction)	June 18 1996
Amendment (wireless towers)	July 20 1998
Amendment (multifamily dwellings)	July 21 1998
Amendment (communication towers)	May ?? 1999
Amendment (fee schedule)	September 20 1999
Amendment (special land use, ZBA)	February ?? 2008
Amendment (fees)	January 6 2007
Amendment (special land use, PUD)	November 14 2007
New Zoning Ordinance	October 31 2009
Amendment (medical marijuana)	March 16 2012
Amendment (medical marijuana, accessory buildings, lakefront)	January 20 2012
Amendment (dwelling units, single family homes, short term rentals)	September 13 2013
Amendment (accessory dwelling setbacks)	January 20 2016
Amendment (Susan Shores, Michigan Shores)	August 6 2020
Amendment (zoning map corrections)	September 14 2020

Article I Title and Legal Basis

1.1 Title

This ordinance shall be known and may be cited as the "Hayes Township Zoning Ordinance."

1.2 Legal Basis

This ordinance was adopted pursuant to the provisions of the Township Zoning Act (P.A. 184 of 1943, as amended).

1.3 Area of Jurisdiction

The provisions of this Ordinance shall apply to all development, public and private, throughout the incorporated areas of the Hayes Township, Charlevoix County, Michigan, to the extent permitted by law. The area of jurisdiction is referred to herein as the "Township." This shall include all land, buildings, yards, wetlands, woodlands and shoreline within the Township, including riparian lands and bottomlands of Lake Charlevoix, Susan Lake and Lake Michigan, and shall be concurrent with other governmental entities having jurisdiction thereover. The concurrent jurisdiction of other governmental entities shall not limit the jurisdiction of the Township to regulate lands or activities within the Township.

Commented [C1]: RG: as riparian rights on lake Michigan are different from inland lakes we need to verify that this statement is correct.

1.4 Severability

The provisions of this Ordinance are severable. If any provision is held unconstitutional by any court, such holding shall not impair or affect the remaining provisions of this ordinance.

1.5 Repeal of Previous Zoning Ordinance

This ordinance repeals and replaces any previous Hayes Township Zoning Ordinance in its entirety.

Article II Purpose, Interpretation and Effective Date

2.1 Purpose

The purpose of this ordinance is to promote and preserve the health, safety, security, and general welfare; to provide for the orderly development of the township; to encourage the use of the lands and resources in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to create and maintain safe and favorable conditions for living, economic activity, and recreational activities; to reduce hazards to life and property; to provide, in the interests of health and safety, standards under which certain buildings and structures may be erected and used; to stabilize and enhance property values; to provide for safety of vehicular traffic on public roadways and in public and private parking areas; to establish minimum standards and regulations applicable to open spaces, lot and parcel size, the location and use of buildings and structures, and the development of land for residential, commercial, recreational, industrial, institutional, public and other purposes; to facilitate the development of adequate systems of transportation, fire protection, education, recreation, sewage disposal, safe and adequate water supplies, and other public requirements; to conserve life, property and natural resources, and the use of public funds for public services and improvements to conform with the most advantageous use of land, resources and properties; and to provide standards and regulations intended to assist with implementation of the Hayes Township Land Use Plan understanding that development trends are constantly changing.

Commented [C2]: RG: should we include the concept of public good.

2.2 Interpretation

This ordinance is not intended to repeal, annul or impair existing provisions of other laws or ordinances, or any private restrictions placed upon property by covenant, deed or other private agreement.

When this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings and structures, or on lot coverage, or where this ordinance requires greater lot areas or larger yards or other open spaces than required by other laws, ordinances or private restrictions, the provisions of this ordinance shall prevail.

Commented [C3]: MM: land, including the shoreland for all land located on a body of water.

2.3 Effective Date

This Ordinance, in its original form, became effective seven days after the date of its publication in summary form on TBD, a newspaper of general circulation in the Township.

Commented [C4]: RV: UPDATE

Article III Definitions

3.1 General Interpretation

For the purpose of this Ordinance, words used in the present tense include the future tense, words used in the singular include the plural, and words in the plural include the singular.

The term "shall" is always mandatory and not discretionary.

The term, "the Township" shall mean Hayes Township in Charlevoix County, Michigan.

Any word or term not defined shall be defined by common or standard usage.

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

3.2 Definitions

100-year Flood Plain - The plain along waters within Hayes Township having 1-percent chance of being equaled or exceeded in any given year. The MDEQ 100-year flood plain elevation for Lake Charlevoix is 584.2 feet above mean sea level (msl) (NGVD 1929). The MDEQ 100-year flood level for Lake Michigan is xxx feet above msl (NVGD 1929).

Commented [C5]: RG: should we use FEMA data as they have issued new flood plan.

Accessory Use - A use of land that is customarily incidental and subordinate to the principal use of a lot and that is located on the same lot on which that principal use is located.

Accessory Building - A freestanding building that is located on a lot on which a principal use and/or principal building is located and that is devoted to and occupied by a use that is customarily incidental and subordinate to the principal use and/or principal building. Examples of accessory buildings include, but are not limited to, detached residential garages, sheds, greenhouses, gate houses, and barns.

Accessory Dwelling Unit (ADU) - An ADU is an incidental and subordinate dwelling unit which provides living quarters in a permanent structure for one individual or a family that is on the same lot, but is separate from the primary dwelling unit. An ADU may be incorporated in an existing dwelling or a new dwelling unit through a special use permit.

Commented [C6]: RG: we are considering use by right in some districts; this should be incorporated in the definition.

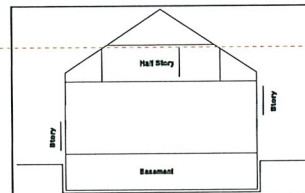
Adjoining Lots and Parcels - Includes lots and parcels separated by highways, roads, streets, rivers, streams, wetlands, public utilities, and easements.

Agriculture - See Farm and Bona Fide Agricultural Operation.

Commented [C7]: DB: should this read "Bona Fide?"

Applicant - A person, firm, association, partnership, corporation, or combination thereof which may hold any divisible interest in land, whether recorded or not, who is seeking approval for development, change and/or use of property pursuant to this Ordinance.

Basement - That portion of a building partly below the grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.



Commented [C8]: DB: delete this.

Board of Trustees - The elected, legislative body consisting of the Hayes Township board as established by the Michigan Constitution of 1963.

Bed and Breakfast Facility - Any single-family dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Boarding House - A single-family dwelling where lodging and meals are furnished to three or more persons on a weekly or monthly basis who are not members of the family occupying the dwelling.

Commented [C9]: RG: If a B&B has more than three guest who stay for a week in season, are they then a Boarding house? What if the family lives in an adjacent ADU? These may need some further refinement.

Bona Fide Agricultural Operation - An agricultural or silvicultural operation that is active and intended for the commercial production of farm products.

Buildable Area - The area upon a lot where a principal building or structure and any attached or detached accessory structures are allowed to be constructed.

Building - A structure, either temporary or permanent, having a roof supported by columns, walls, or other supports, which is used for housing, storing, enclosing or sheltering persons, animals, chattel, or personal property, or for conducting business activities or other similar uses.

Building Demolition - Any act or process, which destroys or obliterates greater than fifty percent (50%) of a structure or feature, including architectural or design details.

Building Footprint - The portion of the lot, parcel, or plot upon which a building is placed, including any eaves and/or extensions.

Building Height - The lineal U.S. feet measured from the average finished grade around the building perimeter to the highest point of a building or structure, excluding chimneys.

Building, Principal - A building in which the principal use of a lot is conducted.

Condominium Project - Land developed and owned under the provisions of the Condominium Act (P.A. 59 of 1978, as amended).

Condominium Unit or Site Condominium Unit - That portion of a condominium project designed and intended for separate ownership interest and used as described in the Master Deed and Condominium Act.

Condominium Subdivision - A division of land, such as planned unit development or site condominium, on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act (P.A. 591 of 1996, as amended).

Corridor View of Waters - The ability to observe a reasonable portion of the water of a lake, river, or stream through a least intrusive consolidated corridor and selective removal or trimming of trees, shrubs, or other vegetation within the natural vegetative strip that does not impair the underlying purposes of the natural vegetative strip.

Commented [C10]: RG: not a clear standard.

Development or To Develop - The creation of new building sites, construction of any new building or other structure on a lot, the relocation of any existing buildings, or the use of a lot for any new use including planned unit development or site condominium.

Dock - A temporary or permanent structure, built out into and over the water, floating and/or supported by pillars, pilings, or other supporting devices.

Drive-in Establishment, Drive-Through Establishment - A business which offers goods or services to customers while in motor vehicles.

Drive-in Restaurant - A business establishment which by design of physical facilities permits or encourages the purchase of prepared ready-to-eat foods by customers while remaining in their motor vehicles.

Driveway, Shared - A vehicular way to provide ingress or egress to a maximum of three lots, parcels or site condominium units.

Dwelling - A building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for sleeping, heating, cooking, and sanitation, including apartments, accessory dwelling units. Accessory buildings, tents, temporary structures, automobiles, school buses, and recreational vehicles are not considered to be dwellings under this definition.

Dwelling, Single Family - A building, or portion thereof, containing one (1) dwelling designed for occupancy by one (1) family.

Dwelling, Two Family - A building, or portion thereof, containing two (2) dwellings designed for occupancy by two (2) families living independently of each other.

Dwelling Multiple Family - A building, or portion thereof, containing three (3) or more dwellings designed for occupancy by three (3) or more families living independently of each other.

Earth Change - An artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Prior to engaging in any earth change activity within five-hundred (500) feet of a lake, river or stream, a valid soil erosion and sedimentation control permit is necessary from the Charlevoix County Soil Erosion and Sedimentation Control Officer.

Environmental Areas - Areas of sensitive fish and wildlife habitat as defined by Michigan's Part 323: Shorelands Protection Act, Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Essential Services - The erection, construction, alteration, or maintenance by public utilities, as defined herein, or by municipal departments, boards or commission, of underground, surface or overhead natural gas, electrical, communications (other than cell towers), steam or water transmission or distribution systems, collection, supply or disposal systems. These systems include but are not limited to the poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, electric substations, communications buildings and structures, natural gas regulator stations, fire stations, and other similar equipment and accessories in connection therewith, including buildings necessary to house the foregoing that are reasonably necessary for the furnishing of service by such public utilities or municipal departments, boards, or commissions or are reasonably necessary for the protection of the public health, safety, and/or general welfare.

Family - An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a permanent or distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities. A family, however shall not include any society, club, fraternity, sorority, association, lodge or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

Farm - All the land operated as a single unit on which bona fide agricultural operations are carried on directly by the owner or by his or her agent or by a tenant farmer. For the purpose of this Ordinance, farms may be considered as including greenhouses, nurseries, orchards, livestock and poultry operations, Christmas tree farms and other silviculture, and apiaries and other similar activities. The words "agriculture" and "farming" are considered synonymous. Farms do not include concentrated animal feeding operations or other industrial agricultural operations; establishments keeping or operating fur-bearing animals; dog kennels; slaughter houses; stone quarries or gravel or sand pits; unless combined with and constituting only a minor part of bona fide farm operations on the same contiguous tract of land. Nor shall the premises be operated as fertilizer works, bone

Commented [C11]: RG: family is a concept that may not reflect current society. What if two unmarried people cohabitate? Are they living in a dwelling?

Commented [C12]: RG: add EMS

Commented [C13]: RG: how do we identify a "permanent or distinct domestic character"? do we need this?

Commented [C14]: RG: how do we differentiate livestock and poultry operations from concentrated feeding operations? Are we prescribing only farming light? Should we add vineyards-tasting rooms? The sand and gravel issue is controlled by the state.

yards, piggeries or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal or junk constitute a farm hereunder.

Farm Building - Any building or structure other than a dwelling that is located on a farm and used for the storage of farm equipment, supplies, products or animals, or used for the maintenance of farm equipment.

Farm Product - Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, Cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

Floor Area - The area of all floors computed by measuring the dimensions of the outside walls of a building excluding porches, patios, basements, terraces, breezeways, carports, verandas, attached garages, accessory buildings, and attics having headroom of less than seven (7) feet.

Garage - A permanent building designed and used primarily for vehicle parking and storage and is intended for the primary use of the residents of a dwelling. The building may be attached or detached from a dwelling.

Garage, Attached - A garage that physically abuts or is connected to a dwelling by means of a permanent roofed structure.

Garage, Detached - A garage that does not physically abut a dwelling.

Gasoline Service Station - A business enterprise which, in addition to the dispensing of vehicular fuels, may offer to perform automobile maintenance, service or repair by the business owner or owner's representatives and may sell merchandise, such as convenience foods and sundries not related to the maintenance, service or repair of vehicles.

Grade - The average level of the finished surface of the ground measured around the perimeter immediately adjacent to the exterior walls of a building or structure.

Hobby Farm - A lot occupied by a single-family dwelling and used for the production of food, fiber, and/or livestock for the personal enjoyment and consumption by those living on the premises.

Home Occupation - Any profession or other occupation conducted in a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which conforms to the provisions of Section 4.29.

Hotel - See Motel.

Impervious Surface - Developed portions of a parcel that preclude or inhibit the infiltration of precipitation or stormwater runoff. Impervious surfaces are typically covered by roofs, asphalt or concrete, compacted gravel, or compacted soil, and include but are not limited to building envelopes/footprints, parking areas, driveways, walkways, pathways, patios, etc. Impervious surfaces do not include such areas covered with pervious surfaces such as pervious pavements, pavers, block, etc.

Inoperable Motor Vehicle - Any vehicle made to be propelled by a motor or engine, which is no longer in operating condition.

Junk - Worn out and/or discarded material whether or not it may be returned to some use.

Junk Yard or Salvage Yard - A lot where junk, waste, discarded, salvaged or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to wrecked motor vehicles, used motor vehicles, used building materials and equipment, and other manufactured goods that are

Commented [C15]: RG: Is this consist with the farm definition?

Commented [C16]: RV: DEFINE FARM STAND IN ADDITION

Commented [C17]: MM: deleted Cervidae, replace with deer/elk.

Commented [C18]: RG: should ADU's be included in SQFT calculations?

Commented [C19]: RV: UPDATE

worn, deteriorated, or obsolete.

Kennel - Any place keeping or harboring three (3) or more dogs greater than four (4) months of age on a parcel of land, which is not an animal hospital.

Commented [C20]: RG: Too low a number. Perhaps a reference to commercial activity although there may be hunting kennels owned by individuals.

Lake - As used in this ordinance refers to the definition of inland lake found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended, Lake Michigan is defined by the Army Corp?

Commented [C21]: MM: delete greater and replace with older.

Land Division - The process of dividing a Parent Parcel into lots in accordance with the Hayes Township Land Division Ordinance and the Michigan Land Division Act, Act 288 of 1967 as amended; MCL 560.101 et seq. (the "Land Division Act").

Commented [C22]: MM: what is Lake Michigan defined as?

Commented [C23]: RG: see USACE

Lot - A measured portion of land that is described and fixed in a platted subdivision, a limited common element within a site condominium project, or a parcel of land described by metes and bounds, and that is not divided by a public highway or alley. The word "lot" has the same meaning as "tract" and "parcel."

Lot, Corner - A lot which has frontage on two intersecting public or private roadways, provided that such roadways have an interior angle of intersection of less than 135 degrees.

Commented [C24]: RG: Does the recent ZBA decision require us to further define this?

Lot, Flag - A lot having minimal frontage on a public or private street right-of-way, and having access to such street along a narrow strip of land owned by the owner of the flag lot.

Lot, Through - A lot other than a corner lot having frontage on two non-intersecting public or private roadways.

Lot Line, Front - That line separating a lot from a public or private road right-of-way. On a corner and through lots, the lot lines separating such lots from road rights-of-way are front lot lines.

Commented [C25]: RG: Does the recent ZBA ruling require further work on this?

Lot Line, Side - That line that is neither a front or rear lot line.

Lot Line, Rear - That property line which is opposite and most distant from the front lot line. On a corner lot, the Zoning Administrator shall determine a property line, other than a front lot line, that will be the rear lot line. In the case of a non-residential corner lot, or permitted non-residential use in a residential zoning district, the Planning Commission shall determine which property line, other than a front property line, will serve as the rear lot line. For waterfront lots the rear lot line is the OHWM or property line on Lake Charlevoix and Lake Michigan, on Susan Lake the rear lot line is.....

Commented [C26]: RG: OHWM or riparian?

Lot Coverage, Percentage of - The percentage of a lot's area covered by impervious surfaces including buildings, driveways, parking areas, porches, breezeways, patios, decks, and other structures.

Lot of Record - A lot which was recorded in the Office of the Register of Deeds before the effective date of this Ordinance or any amendments of this Ordinance.

Lot, Waterfront - A lot having frontage on or physically abutting a lake, stream, river, creek or other water body as defined by Part 301: Inland Lakes and Streams Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Commented [C27]: MM: what is a lot on Lake Michigan defined as?

Lot Width - The horizontal straight-line distance between the side lot lines measured at their points of intersection with the front building setback line.

Lot Width, Waterfront - The horizontal straight-line distance between the side lot lines measured as shown in the waterfront illustration in Section 5.5(c).

Master Deed - The legal document prepared and recorded pursuant to the Michigan Condominium Act, Act 59 of 1978, as amended; MCL 559.101 et seq. (the "Condominium Act") within which are, or to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

Mobile Home - A single family dwelling unit of a type and quality conforming with the United States Department of Housing and Urban Development mobile home construction and safety standards, which is transportable in one or more sections and designed to be used as a dwelling with or without a permanent foundation. A mobile home is not a recreational vehicle.

Mobile Home Park - A parcel or tract of land on which three (3) or more mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

Motel - A business establishment providing lodging for the traveling public with parking facilities contiguous to the motel building. A motel may or may not provide food service or restaurant facilities. For the purpose of this ordinance "motel" and "hotel" are synonymous.

Nonconforming Building or Structure - A building, structure, or portion thereof that lawfully existed before the effective date of this Ordinance, or any amendments of this Ordinance, and does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

Nonconforming Lot of Record - A lot which lawfully existed on the effective date of this Ordinance or lawfully exists on the effective date of any amendment to this Ordinance that is applicable to the lot and which fails to conform to the dimensional regulations of the zoning district in which it is located.

Nonconforming Use - A use which lawfully existed before the effective date of this Ordinance, or any amendments of this Ordinance, that does not conform to the use regulations of the zoning district in which such land is located.

Ordinary High Water Mark (OHWM) - The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and vegetation; or the OHWM or property line for a water body as determined by the Charlevoix County Circuit Court as defined by the Inland Lake Level Act, Part 307 of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended. For the purposes of this Article, the OHWM of Lake Charlevoix shall be considered as 581.5 feet above mean sea level (IGLD 1985). Also known as the "shoreline" for the purposes of this Article. The OHWM for Lake Michigan has been established at 580.5 feet above mean sea level and for Susan Lake

Commented [C28]: RG: Does the ZBA ruling and subsequent challenges require further work on this?

Owner - Any person or group of persons who holds an ownership interest in land.

Parcel - A lot.

Parent Parcel - Any legally created parcel of land created before the adoption of this Ordinance, and before the Hayes Township Land Division Ordinance, from which Sublots, Sub-parcels, Remaining Parcels or Site Condominiums are created.

Parking Area - An on-premise parking lot, together with entrance drives, access drives and circulation aisles.

Person - An individual, firm, corporation, association, partnership, limited liability company, trust, estate, or other legal entity.

Planning Commission - The appointed land use planning body consisting of the Hayes Township Planning Commission as enabled by the Michigan Planning Enabling Act, P.A. 33 of 2008 (MCL 125.3301 et seq.).

Principal Use - The use of the property which is the main use to which the building or premises is devoted.

Public Utility - A firm or corporation granted a franchise by the Township to provide service and to use public rights-of-way in the Township, or a municipal department, board or commission, furnishing electricity, natural

gas, steam, telephone, transportation, sewage collection and disposal, or water supply distribution.

Pump House - A structure in which irrigation pumps are installed for irrigation purposes that is not larger than 4-FT high by 4-FT wide and 4-FT deep.

Recreational Vehicle - Any motorized or non-motorized vehicle that is designed and intended for use as a temporary living quarter for recreational, camping, or travel purposes and that is built on a single chassis mounted on wheels, and is certified by the manufacturer as complying with the American National Standards Institute Standard A119.5 as defined by the Michigan's Part 125: Campgrounds Act, Public Health Code, P.A. 368 of 1978 as amended, R333.1250(1)(f). Recreational vehicles as defined in this Ordinance include trucks and truck-mounted campers.

Remodeling - The act or process of renovating, reconstructing, rebuilding a structure, site or feature through repair or alteration. Removal of more than 50% of the structure's perimeter walls or removal of more than 50% of the existing floor area of any building shall constitute demolition.

Resort - A business establishment that provides temporary lodging accommodations, with or without meals and other services, for the traveling public. Resorts may provide lodging accommodations in a single building having several separate lodging accommodations, or in separate buildings, each providing an individual lodging accommodation.

River - As used in this ordinance refers to the definition of rivers, streams, creeks, etc. found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended.

River Bank - The line along rivers, streams, creeks between an upland and river bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and vegetation.

Road, Pre-existing Private - A Private Road created prior to the adoption of the former Hayes Township Private Road Ordinance No. 16 of June 2000.

Road, Private - Any road or thoroughfare for vehicular traffic serving more than three lots, parcels or site condominiums that is privately owned and maintained, and that provides the principal means of access to abutting properties.

Road, Public - Any road, street or thoroughfare for vehicular traffic that is publicly owned and maintained, and that provides the principal means of access to abutting properties.

Roadside Stand - A farm building or structure used for the display or sale of agricultural products grown or produced on the farm on which the stand is located.

Setback - The minimum straight-line horizontal distance from an applicable lot line or right-of-way within which no building or structure can be placed, except as otherwise provided for in this Ordinance.

Setback, Front - The required setback measured from the front lot line or OHWM or property line.

Setback, Rear - The required setback measured from the rear lot line.

Setback, Side - The required setback measured from a side lot line.

Shoreland Protection Strip - An area of protective ground cover extending from the OHWM OR PROPERTY LINE inland twenty-five (25) to thirty (30) feet to limit erosion and provide filtration of runoff into the water.

Sign - A structure, device, letter, word, model, figure, symbol, product, banner, balloon, flag, pennant, streamer, insignia, emblem, logo, painting, poster, or some quantity or combination of the above which is visible from a public place and is intended to direct public attention to a product, service, place, activity, person, institution, business, solicitation, or otherwise convey a message to the public.

Commented [C29]: RG: See front/rear property line definition.

Commented [C30]: MM: Delete highlighted letters

Commented [C31]: RG: See waterfront

Commented [C32]: RG: This needs to be made consistent with the final decision on the waterfront issue.

Commented [C33]: MM: thirty-five (35)

Soil Erosion and Sedimentation Control Act Agency - The Soil Erosion and Sedimentation Control Officer, Charlevoix County enforcing the provisions of Part 91: Soil Erosion and Sedimentation Control Act; Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Spatial Building Envelope - The three-dimensional configuration of the building's volume and mass. The volume of space ("envelope") within which a building may be placed on a site. It is the space inside which a proposed structure can be located or oriented, so long as no part of the structure penetrates any imaginary planes of the envelope.

Steep Slopes - An area of land with an elevation that deviates from the horizontal plan by eighteen (18) percent or more and that is calculated as the ratio of vertical rise divided by horizontal run.

Story - That portion of a building between the surface of any floor and the ceiling next above it.

Stream - A waterway as defined by Part 301: Inland Lakes and Streams Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Structure - Anything constructed or erected, the use or placement of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground. Examples of structures include but are not limited to buildings, outdoor boilers, billboards, communications apparatus, permanent outdoor displays, swimming pools, gazebos, sheds, storage bins, children's play houses, sports courts, pet accommodations, and wind energy conversion systems (WECS). Fences, signs, sidewalks, driveways, pump houses, water supply well heads, septic systems, light posts, utility poles and roads, and retaining walls when necessary to prevent erosion and water runoff onto adjacent properties are excluded from the definition of structure.

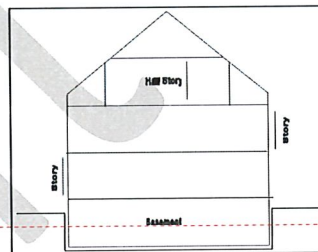
Swimming Pool - An accessory use that is located out-of-doors that contains water over 24 inches deep, and that is used, or is intended to be used, for swimming or recreational bathing. This definition includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Tract - A lot.

Township - The term "Township" shall be interpreted to mean Hayes Township in Charlevoix County, Michigan.

Use - Any purpose for which a building or structure or lot may be designed, arranged, intended, maintained or occupied, or any activity, occupation, or business enterprise carried on, or intended to be carried on in a building, structure, or upon a lot.

Vegetated Buffer - A natural or landscaped area located within a waterfront setback, along the perimeter of a building, parking area, storage area or other improvement that is preserved or created to eliminate or mitigate land use conflicts between adjoining properties and/or incompatible land uses, and improve or maintain water quality.



Commented [C34]: RG: Too vague

Commented [C35]: DB: see "Lot", "Parcel"

Watercourse - A watercourse or waterway or water body as defined by Part 301: Inland Lakes and Streams Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Wetland - A wetland as defined by Part 303: Wetland Protection Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Yard - The space between a principal building footprint and a lot line.

Yard, Front - The yard between the principal building and the front lot line extending across the entire width of the lot. In the case of waterfront lots, the front yard shall be located between the OHWM or property line or waterfront property line and the nearest portion of the principal building.

Commented [C36]: RG: See lot line and setback definitions, repetitive.

Yard, Rear - The yard between the principal building and the rear lot line extending across the entire width of the lot.

Commented [C37]: MM: Delete entire sentence. Change "front" to "rear" and move to definition of Yard, Rear.

Commented [C38]: RG: same

Yard, Side - A yard between the principal building and a side lot line extending between the front yard and the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest portion of a principal building.

Zoning Administrator - The Hayes Township Zoning Administrator.

Zoning Board of Appeals - The appointed interpretive body consisting of the Hayes Township Zoning Board

Appeals (also referred to as the "ZBA") as enabled by the Michigan Zoning Enabling Act, P.A. 110 of 2006 (MCL 125.3101 et seq.).

Article IV

Waterfront Regulations

4.1 Intent

The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a fashion to maintain health of these waterways. Thus, owners of waterfront lots and the township have an added responsibility regarding the preservation and protection of these natural resources and water quality.

Commented [C1]: RX: Existing ZO has "community, scenic and recreational values". Why the deletion?

Commented [C2]: RG: should we reference the two overlay districts?

Commented [C3]: RV: NOT ACCESSORY STRUCTURE

4.2 Setback Area Regulations

Except as provided herein, no structures (with the exception of a patio/deck, walkway, retaining wall, launching ramps and/or docking facilities including steps) shall be allowed within eighty (80) feet of the Ordinary High Water Mark (OHWM) on Lake Michigan, Lake Charlevoix, and on Susan Lake, and such excepted facilities shall meet the side yard setbacks for the district in which they are located.

Commented [C4]: RX: It was 100 ft on Lake Michigan and Lake Charlevoix. 80 ft on Susan Lake alone. Why the weakening of this important setback? I do not agree to this change.

Commented [C5]: RX: Does the OHWM move when changes are made to the Shoreland Protection Strip? The ZBA voted in majority (I was the dissenting vote) that it did not. We need to decide this important issue and incorporate our decision into the updated ZO. Question is where? Here? Or in Definitions?

Commented [C6]: RX: As above.

Commented [C7]: MC: BAD, WHAT ABOUT STEEP SLOP

- A. One at-grade patio/deck, not to exceed two hundred (200) square feet may be located within the 80-ft. setback following review and approval by the Zoning Administrator to ensure the structure will be installed in a manner which will cause the least negative environmental impact.

- I. No portion of the patio/deck shall be located more than two feet above the natural grade.

Commented [C8]: RG: as the SPS functions to not only filter but to stabilize the shoreline should we consider including the methodology that Tip of the Mitt uses to calculate shoreline protect structures, which include an assessment of the shore, the wind and waves and fetch?

4.3 Shore land Protection Strip (SPS)

A Shoreland Protection Strip shall be required on all waterfront lots. The shoreland protection strip shall include all of the land area located within twenty-five (25) to fifty (50) feet of the Ordinary High Water Mark (OHWM), depending on the unique characteristics of the property, of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by inhibiting soil erosion, and by providing a filter for the removal of pesticides, fertilizers and other potential water pollutants. Within the shoreland protection strip, the following developments or use restrictions (A-L below) shall apply:

Commented [C9]: RX: This is not clear. Is it meant that only the strip between 25 and 50ft is included? Or that it's the land between the OHWM and either 25 or 50ft? or something in between? This whole section demands careful and detailed discussion.

Commented [C10]: MM: the actual size of the SPS will vary with the contour of the land, the type of soil, and the location of the lake (is the shoreline facing the prevailing winds, is it sandy or rocky?) These factors affect the ability of the SPS to protect the lake.

- A. SPS width defined: Extends twenty-five (25) to fifty (50) feet landward of the Ordinary High Water Mark (OHWM) (581.2 ft.). Extent landward depends upon grade to the waterfront: <10%, SPS=25 ft., 10-25%, SPS=30 ft., 25-35%, SPS=35 ft. and >35% SPS=50 ft.

Commented [C11]: RX: although this somewhat explains the questions answered above; should "width" be replaced by "depth"? is this width or depth measured along the land or horizontally? In any case this section means that in the vast majority of instances SPS is halved in size from today.

- B. The Shoreland Protection Strip (SPS) should/shall not be altered more than 20% except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in TBD, unless permitted as part of an approved shoreline landscaping plan or a permit from the Army Corps of Engineers and the State Department of Energy, Great lakes and the Environment.

Commented [C12]: RX: Shall

Commented [C13]: DB: I think this needs to be review/revised again by the board now that we have clarification from the ZBA and LuAnne Kozma's interpretation hearings.

Commented [C14]: RV: SHALL

- C. For any new construction or renovation of a structure located on a waterfront lot, the establishment, restoration and/or maintenance of a Shoreland Protection Strip (SPS) shall be required. Refer to Section 5.4, for details on the waterfront development approval process.

Commented [C15]: RV: WITHIN 250FT OHWM

Commented [C16]: RG: 4.4

Commented [C17]: RX: is a channel a structure? Does the shoreland protection strip and its associated regulations preclude the excavation of a channel? The ZBA voted in majority that it did. Again, we need to discuss, make a discussion and incorporate that discussion into the text.

- D. Shoreline retaining structures shall be permitted with appropriate agency approvals. Any alterations of, or damage to, the SPS requires restoration as described in this ordinance.

- E. Walkways or stairs for water access shall be allowed, provided they:

- I. Do not exceed six (6) feet in width;
- II. Are constructed in such a way that stormwater is slowed;
- III. Permeable material required;
- IV. Are not constructed in such a way that they expand the deck beyond the two hundred (200) square foot maximum.

Commented [C18]: RX: permeable material or construction required.

Commented [C19]: RV: VISUALS

Commented [C20]: MC: WHY DO WE CARE, AT BEST EX: 120 SQFT

- F. The use of pesticides, herbicides and fertilizers is prohibited.

Commented [C21]: RG: In the SPS

- G. Leaves, grass clippings and similar yard/garden waste may not be burned or stored.

- H. No septic tanks or septic field filtration fields shall be located within the Shoreland Protection Strip.

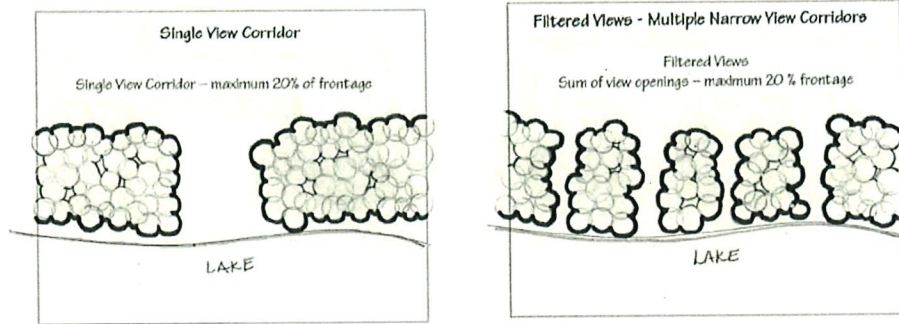
- I. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on at least eighty percent (80%) of the lake or stream frontage within the Shoreland Protection Strip. Please refer to the list of recommended native species by the Northwest Michigan Invasive Species Network. The list of recommended native species is available at the Township Hall and an electronic link is posted on the Township website. If trees are removed, root systems should be left in place for shoreline stabilization whenever possible.

Commented [C22]: RV: APPENDIX TO ORDINANCE

Commented [C23]: RX: Shall be left in place for shoreline stabilization. (Delete "whenever possible").

- J. When trees are trimmed for vistas of the water, the tree must remain viable. Some examples of tree trimming or removal to provide vistas follow.

Commented [C24]: RG: repetitive with K.



K. Selective trimming of trees to allow for filtered views is permitted within the Shoreland Protection Strip as long as the overall health of the tree is not compromised and is not included in the allotted 20% removal.

L. The removal of invasive species is both allowed and encouraged. Please refer to the list of invasive species by Northwest Michigan Invasive Species Network. The list of recommended invasive species is available at the Township Hall and an electronic link is posted on the Township website.

Commented [C25]: RG: replanting with approved plants after removal?

M. It is a violation of the zoning ordinance to alter or disturb in excess of 20% of the Shoreland Protection Strip (SPS) except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in 5.3. If altered or disturbed, the following corrective measures including the development of an approved shoreline restoration plan is required, which includes:

Commented [C26]: RG: 4.3

- I. Any and all fill material placed within the Shoreland Protection Strip shall be removed. Only soil and rocks, consistent with the composition of the preexisting on site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited.
- II. The Shoreland Protection Strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed, whenever practicable.
- III. All required replanting shall be replanted with native species as recommended by the Northwest Michigan Invasive Species Network.
- IV. Where native shoreline vegetation does not exist, a combination of native vegetation shall be introduced in a naturalized planting pattern as exemplified by neighboring shorelands that have not been disturbed.

Commented [C27]: MM: I think this is repetitive. A summary of all is these points are in letters B-J, it's not helpful to have this much detail.

4.4 Waterfront Development Review

A. Intent

It is the intent of the Waterfront Development Review process described below to promote the gradual, systematic, and long-term restoration of the Shoreland Protection Strip (SPS).

- I. In an attempt to increase compliance with the waterfront regulations described in Art **TBD** an added layer of review is required for all residential waterfront development and any modifications to the Shoreland Protection Strip. This added layer of review requires a Shoreline Landscaping Plan **TBD.B** in most instances for the area within twenty-five (25) to fifty (50) feet of the Ordinary High Water Mark and Shoreline Landscaping Plan Review for all new residential waterfront dwelling units or alterations as described in section **TBD**
- II. For the area of land waterward of the Ordinary High Water Mark, EGLE and/or Army Corps of Engineers permits must be obtained for any construction or changes since the alteration of the shoreline will have significant effect on the Shoreland Protection Strip, and thus the health of the water body.
- III. An advisory Subcommittee of the Planning Commission has been created to review waterfront shoreline landscaping plan development and facilitate, as much as possible, compliance with waterfront provisions in this section. The subcommittee is empowered to suggest that compliance with the intent of Article V is met even if it includes modifications of the plantings or dimensional guidelines as presented by the owner or landscaper, when the entirety of the plan and its effect on improving water quality is considered. The requirements placed on property owners will be in proportion to the proposed activity.

Commented [C28]: RG: IV (1-3)

B. Shoreland Landscaping Plan

The purpose and intent of the Shoreland Landscaping Plan is to increase water quality protection whenever possible and that waterfront development will not negatively impact water quality.

- I. The Landscaping Plan shall address the conditions set forth in Art **TBD**
- II. Prior to receiving a zoning permit to build or increase the footprint of a waterfront structure, an approved Shoreland Landscaping Plan with the following information is required:
 1. A detailed inventory of the existing Shoreland Protection Strip area, including the locations of trees, shrubs, and ground cover, with notes as to the locations of native and non-native species.
 2. A detailed inventory of all structures within eighty (80) feet of the Ordinary High Water Mark.
 3. A detailed inventory of planned changes to the Shoreland Protection Strip area, including tree removals and/or plantings, vegetation removal and/or plantings (if applicable).

Commented [C29]: RX: Does this mean that the Zoning Administrator, the PC have flexibility in the application of ZO rules and in associated rulings in compliance? I think this needs clarification and/or detailed discussion. I don't see how you can have regulations and then say "let's discuss what you can do". I appreciate what you're trying to say but do we have regulations or not? (At the ZBA, Ron VanZee stated that he does not have flexibility in administrating the ZO.)

C. Shoreland Protection Subcommittee

To ensure the compliance with the intent and purpose of the waterfront provisions in this section, a Subcommittee of the Planning Commission will meet to review waterfront development proposals which require a shoreline landscaping plan, and to provide input and recommendations to the zoning administrator and/or planning commission.

- I. Members of the Subcommittee shall include two (2) members of the Planning Commission and as needed consultation by a representative from an organization with technical expertise on aquatic ecosystem management.
- II. Each member of the Subcommittee shall be appointed by the Planning Commission chairperson to a term that coincides with their regular planning commission term.
- III. The Subcommittee is advisory only, reports directly to the Planning Commission, and does not have the authority to make final decisions. All final decisions are made by the planning commission at a meeting of the Planning Commission as a whole and are based on materials submitted, and the recommendations of the Subcommittee and Zoning Administrator. Upon acceptance and approval of the Shoreline landscaping plan by the Planning Commission the Zoning administrator may issue a zoning permit if his/her decision is that the project otherwise meets the criteria for granting a zoning permit.
- IV. The following table summarizes the information required and the review process for residential development on waterfront properties:

Location	Triggering Actions	Review Process	Data Required
Any Conforming Waterfront Lot	Modification of an existing structure without changing the building footprint.	Administrative Review by the Zoning Administrator	Plot Plan as described in Section TBD.
	Modification of the spatial dimensions of an existing structure (less than 50%) or the addition of an accessory structure.	Administrative Review by the Zoning Administrator with input from the Shoreland Protection Subcommittee	Plot Plan as described in Section XXX. and a Shoreland Landscaping Plan as described in Section XXX.
	A new residential home construction or a major reconstruction (over 50%).	Planning Commission Landscaping Plan Review with input from the Shoreland Protection Subcommittee	Shoreland Landscaping Plan as described in Section TBD, and Landscaping Plan Data required in TBD.

Commented [C30]: RX: Agreed

Commented [C31]: RG: Zoning Administrator, or the Planning Commission as indicated in the table below.

Commented [C32]: RG: decision on the Shoreland landscaping plan are not appealable to the ZBA.

Commented [C35]: RV: WITHIN 250 OHWM

Commented [C33]: RX: define. What about a non-conforming waterfront lot?

Commented [C34]: RV: NONE CONFORMING?

Commented [C36]: RV: DECK 4.2A

Commented [C37]: RX: I believe an accessory structure should be a separate line/section in this table. Accessory structure should be subject to a site plan review.

5. Docks and Boat Parking on Lake Charlevoix and Susan Lake

- A. A maximum of one dock (maximum of 8 ft in width) shall be permitted for each waterfront lot, except for properties upon which a marina is permitted by all of the following: the Hayes Township Zoning Ordinance, the Michigan Department of

Commented [C38]: RX: I have search but failed to find any mention of marinas in our ZO. We need to add and include definition of permit and approval process. What restricts should/can we apply to marinas?

Environment, Great Lakes and the Energy (EGLE), and the U.S. Army Corps of Engineers (USACE).

- A. One shared dock serving two (2) adjacent waterfront parcels owned by separate individuals, may be placed on the common shared property line upon filing with Hayes Township a letter of agreement signed by both property owners.
- B. A shared dock for a multiple family development, such as Planned Unit Development or Condominium project, may be allowed as part of a site plan approval with Planning Commission approval and subject to the requirements of Section TBD Limitation of Funnel Development.
- C. Any boat moored at or stored on a lot within any residential district shall be owned by and registered to an individual living at said property. Undocked boats may be stored on a residential lot so long as the Shoreland Protection Strip is not disturbed and is in conformance with the requirements of this ordinance.
- D. Each dock, mooring anchor, or other means of non-temporary anchorage shall be located at least fifteen (15) feet from the riparian boundary and moored boats shall not cross the riparian boundary. The one exception to this provision is for shared docks as described in TBD and TBD.
- E. ~~Dock lighting for safety and navigational purposes are allowed. All lighting should be white, blue, or yellow. Red, green or flashing lights are not allowed. The maximum light height does not exceed four (4) feet, above the dock surface.~~ Coast Guard Regulations/Army Corp; Matt Cunningham and Steve Bulmann will research; 'Dock lighting for safety purposes is under the prevue of.....'
- F. Any damage caused to the Shoreland Protection Strip during the process of installing, removing or storing seasonal docks, shall be repaired within 30 days from the date that the property owner is notified by first class mail.
- G. All permits required by EGLE USACE, Hayes Township, and other applicable entities must be obtained prior to the construction or modification of docks or marinas.

Commented [C39]: RX: insert "such storage" after "and"

Commented [C40]: MC: NO STRAIGHT ANSWERS FROM CORP SHALL BE LIGHTED, SHOULD NOT INTERFERE WITH NAVIGATION.

6. Limitation of Funnel Development

Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit, including any dwelling unit located on the waterfront lot, shall use or be permitted to use each one hundred (100) feet of lake or stream frontage as measured along the Ordinary High Water Mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational uses of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.

7. Marine Sewage Pump-out Facility

Commented [C41]: RV: ?

Any commercial dock facility providing dockage for boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a local health department approved sewage disposal facility, or have a written service agreement in place by a licensed or permitted pump-out facility.

8. Public Access Sites

Land abutting a lake or stream, which land is under the possession and control of a governmental agency including Hayes Township, the County of Charlevoix, the Charlevoix County Road Commission, the State of Michigan, or other governmental agency, and which governmental agency allows public access across the site to the lake or stream abutting the site, is herein described as a "Public Access Site." Such Public Access Sites may be owned or leased by the public agency, or dedicated to the use of the public, but shall, in any case, be under the exclusive control of one or more public agencies which have the authority to impose regulations and restrictions upon the use of the site and upon access to the abutting lake or stream.

The restrictions of this Article V (TBD,) as much as possible shall, not except as to allow for concentration of activities, apply to a "Public Access Site", as above described, provided that such sites are subject to governmental control enabling the controlling governmental agency to limit boat docking, moorage and boat launching, prohibit overnight mooring, camping, vehicle parking, and other controls upon use of the site.

Commented [C42]: RG: IV

The governmental agency shall have the authority to impose such controls and restrictions upon the use of Public Access Sites and the abutting waters as are deemed necessary to protect the lake or stream and adjoining properties from pollution, congestion, other damage, or unreasonable impositions upon the use and enjoyment of others using the site, using other private property in the proximity of the site, or the waters which the site abuts.

Commented [C43]: MM: This sentence is very confusing. I suggest the following rewording; delete "except as to allow for concentrations of activities" its not clear what this was supposed to refer to???

If not otherwise prohibited by law, the Hayes Township board shall also have the authority to pass ordinances and adopt rules restricting the use of such Public Access Sites and the use of the abutting lake or stream in such manner as is deemed necessary in the future to protect the lake or stream, the users thereof, and properties in the proximity thereof from pollution, congestion, other damage or unreasonable imposition upon the use and enjoyment of others. Such ordinances may designate different rules, regulations and restrictions for each individual Public Access Site as shall be deemed appropriate for the protection of the particular site, the waters, or private property in the proximity of the particular site.

Commented [C44]: MM: this is more legal gobledogoo. I don't know who drafted this, but it needs to be rewritten so ordinary people can understand it I THINK it means that the township can add further restrictions and rules to protect the properties next to the public access site.