

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION

OCTOBER 17, 2023 7:00 pm

Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

ZOOM

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09>

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Review and Approval of Draft Minutes- September 19, 2023
6. Public Comment Unrelated to Agenda Items
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business
 - Report on MTA professional development retreat for Planning and Zoning
 - Review PC bylaws regarding agenda and public comment
11. Old Business
 - Review of Zoning Ordinance Draft
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next PC Meeting- November 21, 2023
14. Public Comment
15. Planning Commission Comment
16. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers opportunities for the public to comment at its meetings. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask clarifying questions, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. There is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. In the case where more than 45 members of the public wish to speak- time will be reduced to 2 minutes per speaker.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

Hayes Township Planning Commission
September 19th, 2023
Special Meeting
Zoom ID 836 0148 1092

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: Roy Griffiths (Chair), Derek Burnett, Marilyn Morehead, Rex Greenslade, CT Martin, Mark Snyder, and Matt Cunningham.

Also, present: April Hilton (Deputy Clerk/Recording Secretary) and Kristin Baranski.

Audience: Luke VanZee, Diane McMahon, Jim McMahon, Danielle Hutchenson, Janet Simon, Deb Narten, LuAnne Kozma, Tim Boyko, Ellis Boal, Winnie Boal, Kevin Willis, Andy Wilson, Melvin Czechowski, and Carol Umlor.

REVIEW AGENDA:

Mr. Greenslade made a motion, supported by Mr. Martin, to approve the agenda as presented.

Yeas: Derek Burnett, Roy Griffiths, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES AUGUST 22ND, 2023 REGULAR MEETING

Mr. Martin made a motion, supported by Ms. Morehead, to approve the August 22nd, 2023, regular meeting minutes as corrected.

Yeas: Derek Burnett, Roy Griffiths, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead.

Nays: none **Motion Carries**

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:04 pm.

Comments included:

- Resident requested the Planning Commission to have a meeting with a Geologist and was wondering if the Township could allow the meeting to take place at the Township Hall with the use of the Township microphones and Zoom equipment.
- Resident would like to know why the Planning Commission will not speak with the Geologist the residents have been speaking to. Also, they feel the township Lawyer does not have the resident's interest in mind.
- Resident suggested using "Previously mined" for the Future Land Use map, would like it to state something about the land being mined.
- Resident supports the request to have the Planning Commission consult with the Geologist.

Hayes Township Planning Commission
September 19th, 2023
Special Meeting
Zoom ID 836 0148 1092

- Resident believes the Planning Commission does not have to follow what the Township Lawyer suggest.
 - Resident supports the previous comment. Also, would like to see the public comment section before the meeting include agenda items. Stated they feel the zoning admin reports should be better and hopes the Planning Commission will enforce better reports.
 - Resident would like more information on the Bauer Ford report.
- Public comments closed at 7:19pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting October 9th, 2023.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

NA

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

HOUSING NORTH – ZACHERY SOMPLES (BRIEFING ON RESORT TOWNSHIP AND LOCAL HOUSING NEEDS ANALYSIS:

- Zach Somples presented the Planning Commission and public with Housing Norths Mission and available programs.
- Zach explained the housing needs per county. Charlevoix County is forecasting a 0.2% increase in population by 2027.
- Zach recommended to Identify, and reach out to advocates, foundations, developers, and investors that could be potential residential development partners. Also, consider identifying possible sites for residential development and determine if the sites' appeal could be enhanced with land preparation, pre-development assistance or infrastructure help.
- Northwest Michigan Housing Summit 2023 will be held on October 25-27 at the Park Place Hotel, in Traverse City.

BEGIN REVIEW OF DRAFT EDITS TO ZONING ORDINANCE:

Planning Commission members discussed.

- Article I Title and Legal Bases
- Article II Purpose, Interpretation and Effective Date

Hayes Township Planning Commission
September 19th, 2023
Special Meeting
Zoom ID 836 0148 1092

• Article III Definitions

Discussion included:

- CT Martin and Mark Snyder will both research definition for “family”.
- EMS needs to be added to essential units.
- Mr. VanZee is researching the definition of “farm” and will help clarify what is and is not allowed under farm in the ordinance.
- ADU’s should be included in the definition for “Floor Area”.
- Expand the definition for “home Occupation”.
- Further explanation on the definition for “Kennel”.
- Need definition from the Army Core for Lake Michigan.
- Further explanation for “Corner Lot” definition.
- Need consistency with what is considered the front and rear lot lines.
- Structure can have multiple waterfront sides (Lake/stream/pond).
- Ordinary high-water mark, (state/EGLE/Army Core) definitions.
- Under the definition for Structure, remove the term “more or less”.

Ms. Morehead made a motion, supported by Mr. Cunningham to table the Review of Draft Edits to the Zoning Ordinance until next meeting.

Yeas: Derek Burnett, Roy Griffiths, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead.

Nays: none **Motion Carries**

SET/CONFIRM PUBLIC HEARING DATES:

None

SET/CONFIRM DATE OF NEXT PC MEETING – OCTOBER 17TH, 2023.

Next Planning Commission regular meeting will take place on October 17th, 2023, at 7:00 pm.

PUBLIC COMMENT: Public comments open 8:42 pm.

Comments included:

- Resident expressed they feel strongly about the township including dates on the Zoning Administrator report.
- Resident stated they have seen other Zoning Administrator Reports that contains dates. Would like to know if there has been a new special use permit granted. They are concerned about the definition changes being discussed.
- Resident supports the dates being included on the Zoning Administrator report. Also stated the Township website is great and always up to date.

Public comments closed 8:49 pm.

Hayes Township Planning Commission
September 19th, 2023
Special Meeting
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PLANNING COMMISSION COMMENT:

Ms. Morehead stated the Tipp of the Mitt is having their annual meeting 9 to 11 on Thursday September 21st will be discussing Septic issues. If you visit the Tipp of the Mitt website you will be able to join the meeting via zoom.

Mr. Greenslade stated is he confused why the Township is not considering consulting with the Geologist the residents have requested the township too.

Mr. Griffiths responded to Mr. Greenslade, explaining the process the township would have to take to consider the Geologist studies. It is contingent on Rieth Reilly allowing the Geologist to run test on the Rieth Reilly property. Also stated the Planning Commission can only submit a request to the Board of Trustees to consider a professional study presentation.

Mr. Martin questioned Jim McMahon's opinion on industrial use for the Rieth Reilly property.

ADJOURNMENT: Mr. Greenslade made a motion, supported by Ms. Morehead, to adjourn the meeting at 9:01 pm.

Yeas: Derek Burnett, Steve Bulmann, Roy Griffiths, Marilyn Morehead, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary

ARTICLE IV WATERFRONT OVERLAY DISTRICT

4.01 Definition Any property adjacent to a lake or stream within Hayes Township. This includes Lake Michigan, Lake Charlevoix and Susan Lake

4.02 Intent

1. Protect the health and natural beauty of these properties
2. Protect water quality
3. Ensure property owners know that they have added responsibility by virtue of their location on a body of water

4.03 Set Back Regulations

1. Within 100 ft. of the waterway (80 ft for Susan Lake only)
 - A. No residential structures
 - B. No accessory structures
 - C. One patio/deck, equal to or less than 200 sq. ft. and 2 ft or less above land allowed
2. Within **(25 or 30)** ft of the waterway (aka Shoreland Protection Strip (SPS))
 - A. Defined: Extends **(25 or 30)** ft. landward of the Ordinary High Water Mark (OHWM) (581.2 ft.)
 - B Purpose: To protect the body of water from soil erosion and to provide a filter to remove pesticides, fertilizers, and other pollutants
 - C. Requirements
 1. Maintain in natural state
 - a. Removal of dead trees, shrubs (conserving roots if possible) and invasive species allowed and encouraged
 - b. Existing trees may be trimmed for vistas of the water. Tree must remain viable.
 2. Allowed structures
 - a. Walkways and stairs 6 ft or less in width, to the waters' edge, permeable materials preferred
 - b. Shoreline retaining structures permitted by appropriate agency (EGLE, USACE)
 3. Prohibited in the Shoreland Protection Strip (SPS)
 - a. Pesticides, herbicides, fertilizers
 - b. Storing or burning of yard/garden waste
 - c. Septic tank or septic filtration field
 - d. Removal of invasive species encouraged

e. Boat storage

D. Restoration of altered or destroyed SPS: **The requirements listed below must take into consideration the topography of the land, especially the slope to the waters edge, and similar factors. It is recommended that the property owner consult with a licensed landscape designer familiar with the zoning ordinance.**

1. Replanting with natural deep-rooted plants on approximately 80% of the SPS
2. **Consult Tip of the Mitt Watershed Council for recommended species for replanting**
(need hyper link here)
3. Consult Northwest MI Invasive Species Network *[need hyper link here]*
4. Retain root structure to any trees or shrubs removed
5. All soils and rocks must be consistent with composition of similar nearby shoreland
6. No added beach sand

E. Waterfront Review of existing SPS

1. Shoreland Protection Subcommittee defined

a. Consists of 2 members of the PC and a representative from Tip of the Mitt Watershed Council or Lake Charlevoix Association

b. Appointed by the Chair of the PC to serve equal to their term on service on the PC

c. Advisory only, reports to the PC which makes the final decision.

2. When is the Waterfront Review required:

a. Construction of a new residence or major reconstruction, more than 50%,
(requires Planning Commission Site Plan Review, with input from subcommittee and ZA review)

b. Modification of spatial dimensions of existing structures without changing the footprint, (requires ZA review only)

c. Modification of spatial dimensions of existing structures less than 50%, or an additional accessory structure (requires ZA review with input from subctte)

d. Addition or modification of a walkway, retaining wall or patio/deck within the 100ft setback (requires ZA review with input from subcommittee)

3. Property owner may appeal to the Board of Appeals if not in agreement with the Planning Commission decision

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

1. One dock (maximum 8 ft in width) permitted for each property

a. Two adjacent property owners may share a common dock upon filing a letter of agreement with Hayes Township

b. PUDs and Condominium projects may share a dock as part of a site plan approved by the Planning Commission

c. Only 1 single home, condominium unit or apartment unit may use or be permitted to use 100 ft of lake or stream frontage as measured at the OHWM.

1). Restriction applies even if access to the water is gained by easement, common fee ownership, single fee ownership or lease.

2). Restriction does not apply to Public Access Sites

2. All boats moored at or stored on a residential lot must be owned and registered to the individual property owner

3. Docks and mooring anchors must be at least 15 feet from the riparian boundary. Moored boats may not cross the riparian boundary

4. Dock lighting for safety and navigational purposes allowed. **White, blue or yellow lights recommended.**

a. No flashing lights, **or red or green lights allowed.**

b. Maximum height must not exceed 4 feet above the dock surface.

5. All permits required by EGLE, USACE, and Hayes Township must be obtained prior to construction or modification of docks

G. Commercial Docks

1. Allowed in commercial and industrial districts

2. If facility provides dockage for boats with marine sewage holding tanks, it must provide a marine sewage pump-out facility which is 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

H. Public Access Sites

1. Land abutting a lake or stream and under control of a governmental agency including Hayes Township, Charlevoix county, Charlevoix Road

Commission and the State of Michigan

2. Regulations and Restrictions

a. Authority rests with the governmental agency controlling the site

b. Restrictions on private waterfront lots do not apply

c. May impose controls and restrictions on the use necessary to protect the lake or stream and adjoining properties from pollution, congestion and damage

d. Hayes Township Board has authority to pass ordinances and adopt rules restricting use of the site and the lake or stream if not prohibited by law

Eveline Township

Waterfront Greenbelt Landscaping Plan Review

Case: _____

Date: _____

Applicant: _____

Address: _____

Telephone: _____

Property Owner's Name and Address (If Not the Applicant):

Address of Property:

Parcel ID: _____

Parcel Size: _____

Water Frontage Width: _____

Property Description: _____

Reviewer: _____

Reviewer Recommendation: _____

Approval Standards

- ☐ The proposed alterations within the waterfront greenbelt area comply with all requirements of Section 4.6.A of this Ordinance.
- ☐ The proposed alterations within the waterfront greenbelt area will not create a significantly adverse impact on fish, birds, wildlife, native vegetation, and general water quality.
- ☐ The proposed alterations within the waterfront greenbelt area will not create a significantly adverse impact on water quality by increased erosion and sedimentation going into the water.
- ☐ The proposed alterations within the waterfront greenbelt area will not have a significantly adverse impact on the natural character and aesthetic value of the shoreline and on the visual impact of the development.

Parcels with less than 100 feet of water frontage

Zoning Administrator Action:

Parcels with 100 feet or more of water frontage

Planning Commission Action:

Conditions of Approval: _____

Application Requirements Checklist

- ☐ Two (2) complete sets of plans for Zoning Administrator review or seven (7) complete sets for Planning Commission review.
- ☐ Show placement of any buildings or other structures, delineates a perimeter line encompassing all proposed activities, identifies the location and extent of the shoreline waterfront greenbelt boundary, and proposed land changes including plantings.
- ☐ All shoreline types and coastal resources, including but not limited to, bluff ridges, wetland boundaries, ordinary high water mark, existing vegetation inventory (trees, shrubs and ground cover, including a written list of species trees, shrubs and ground cover, with notes as to the locations of native and non-native species) are identified and submitted with the WGLP.
- ☐ All trees 10" and larger in diameter at 4.5 feet above ground are shown on a map, and will include the species, diameter and condition.
- ☐ A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks.
- ☐ Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization measures as submitted to the Soil Erosion Control Enforcement Officer.
- ☐ Photographs of existing waterfront greenbelt and detailed photographs of the proposed waterfront greenbelt alteration area that show all plants (trees and shrubs) marked for removal. After the project is completed the applicant shall submit detailed photographs of the waterfront greenbelt alteration area.
- ☐ Detailed drawings delineating the waterfront greenbelt alteration area before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas.
- ☐ Detailed drawings that show the location of existing structures on the property, as well as dwellings on neighboring parcels.
- ☐ The WGLP identifies the location of property, including a full tax identification number, location of the nearest public road intersection, the high water mark, a north arrow and map scale.
- ☐ The WGLP has the name, address, professional status, license number (if applicable), and phone number of the person who prepared the plan along with the date of the original drawing and the date of the most recent revision.

Comments: _____

Waterfront Greenbelt Landscaping Plan Review

- ☐ The natural vegetation cover, (native trees, shrubs and herbaceous plants) will be maintained on at least seventy-five percent (75%) of the lake or stream frontage within the entire waterfront greenbelt area.

Comments: _____

- ☐ The trees on the remaining twenty-five percent (25%) may be cleared for a single view corridor, or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty-five percent (25%) of the frontage. Any existing cleared areas of the waterfront shall be calculated and subtracted from the maximum of 25% allowed. Any cleared areas on a lot shall be separated by a minimum of 50 feet and shall be located no less than 25 feet from the side lot line. For larger parcels with water frontage of more than 100 feet any cleared areas shall be limited to 25 feet for each 100 feet of water frontage.

Comments: _____

- ☐ The natural ground cover will be preserved to the fullest extent feasible and where removed it will be replaced with vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

Comments: _____

- ☐ Where shoreline areas are restored, it will be landscaped with native or non-invasive landscaping species.

Comments: _____

- ☐ A combination of grasses, shrubs, and trees will be planted where native shoreline vegetation does not exist.

Comments: _____

- ☐ Invasive and exotic species will not be used. Examples: purple loosestrife, reed canary grass, Phragmites, crown vetch, white and yellow sweet clover, Russian Olive, Autumn Olive, and Tartarian honeysuckle.

Comments: _____

- ☐ Ground cover and shrub plantings in the view corridor are spaced to provide complete ground cover in two years.

Comments: _____

- ☐ A manicured lawn is not allowed within the waterfront greenbelt.

Comments: _____

- ☐ Significant trees (12 inches and larger in diameter measured at breast height) will be preserved.

Comments: _____

- ☐ Trees and shrubs marked for removal will be cut flush with the ground and stumps will not be removed.

Comments: _____

- ☐ No alterations will be made to the area between the All Time High Water Mark and the water's edge.

Comments: _____

- ☐ No supplemental plant nutrients will be applied in the waterfront greenbelt area.

Comments: _____

- ☐ If grading, excavation, filling or stump removal is proposed within the waterfront greenbelt

area, have necessary permits from county and state agencies been obtained?

Comments: _____

- ☐ The remaining trees and shrubs may be trimmed and pruned to create filtered views to the water from the property. Pruning and removal activities shall be inspected at the discretion of the Zoning Administrator.

Comments: _____

- ☐ A view corridor may be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structural features intended to provide a water view. Prior to cutting or removal of these trees and vegetation, these changes shall be marked by the applicant and approved by the Zoning Administrator as being in compliance with the WGLP.

Comments: _____

- ☐ Tree-topping and clear cutting within the waterfront greenbelt area is prohibited.

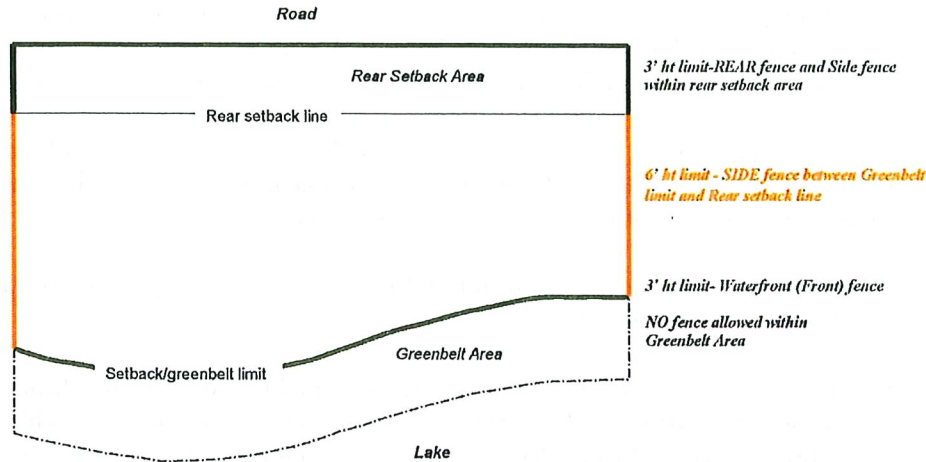
Comments: _____

- ☐ Dead trees may be removed but the stumps shall not be removed.

Comments: _____

- ☐ Hazard trees meet the criteria and will be removed. The stumps of cut trees will not be removed.

Comments: _____



SECTION 4.6 WATERFRONT GREENBELT AND WATER QUALITY PROTECTION ALTERNATIVES Amended (12/23/2017)

Any land abutting on lakes, rivers, or streams shall be subject to waterfront greenbelt standards, unless located in either the Village Commercial Zoning District or the Village Mixed Use District AND approved under the Water Quality Protection alternatives below [Section 4.6.B].

A. WATERFRONT GREENBELT

1. The waterfront green belt is the area within 50 feet of the shoreline (for Lake Charlevoix, the all time high water level of 582.35 feet International Great Lakes Datum of 1985). See definitions for “waterfront green belt” and “shoreline” in Article 10.
2. Unless allowed under 3 below, no structure including fences shall be located within the waterfront greenbelt area.
3. Within the waterfront greenbelt a maximum total area of 200 square feet of structure, decks and other surfaces shall be permitted, and such features shall be pervious to the greatest extent possible. Walkways not exceeding four (4) feet in width and total length of 75 feet shall be permitted within the waterfront greenbelt area, in addition to the aforementioned 200sf, upon receipt of a permit. Decks and walkways shall be no higher than twenty-four (24) inches off of the ground and shall include no additional structures except built-in seating. Built-in seating shall be calculated as being included in the 200 square foot allowed deck area.
4. All vegetation within a waterfront greenbelt area shall remain in an undisturbed, natural state unless a Waterfront Greenbelt Landscape Plan (WGLP) is submitted to and approved by the Zoning Administrator or Planning Commission pursuant to Subsection 5 below.
 - a. Any disturbance within the waterfront greenbelt unless allowed below shall be restored by the owner or his agents.
 - b. Trees may not be removed within the waterfront greenbelt area unless specifically allowed by a permit. Dead trees may be removed but the stumps shall not be removed. A tree considered a hazard that meets the criteria of posing a risk to

person or property can be removed only after the zoning administrator or other designated township representative has examined the tree and approved its removal. The stumps shall not be removed after the hazard tree has been cut.

- c. Natural ground cover shall be preserved to the fullest extent feasible and where removed it shall be replaced with vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
 - i. Where shoreline areas are restored, they shall be landscaped with native or non-invasive landscaping species.
 - ii. Invasive and exotic species to be avoided include, but are not limited to, purple loosestrife, reed canary grass, Phragmites, crown vetch, white and yellow sweet clover, Russian Olive, Autumn Olive, and Tartarian honeysuckle.
 - iii. A combination of grasses, shrubs, and trees shall be introduced where native shoreline vegetation does not exist.
 - iv. Ground cover and shrub plantings in the view corridor shall be spaced to provide complete ground cover in two years.
 - v. A manicured lawn is not allowed within the waterfront greenbelt.
 - vi. Significant trees (12 inches and larger in diameter measured at breast height) shall be preserved.
- d. Subject to the additional limitations provided herein, natural vegetation cover, (native trees, shrubs and herbaceous plants) shall be maintained on at least seventy-five percent (75%) of the lake or stream frontage within the entire waterfront greenbelt area. The trees on the remaining twenty-five percent (25%) may be cleared for a single view corridor, or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty-five percent (25%) of the frontage. Any existing cleared areas of the waterfront shall be calculated and subtracted from the maximum of 25% allowed. Any cleared areas on a lot shall be separated by a minimum of 50 feet and shall be located no less than 25 feet from the side lot line. For larger parcels with water frontage of more than 100 feet any cleared areas shall be limited to 25 feet for each 100 feet of water frontage.
- e. Prior to any alteration or removal of trees, shrubs, ground cover or other native vegetation, the items to be altered or removed shall be marked by the applicant and approved by the Zoning Administrator as being in compliance with the landscaping component of the WGLP prior to work commencing to ensure impacts to the shoreline resources are minimized.
- f. Trees and shrubs marked for removal shall be cut flush with the ground and stumps shall not be removed.
- g. Tree-topping and clear cutting within the waterfront greenbelt area is prohibited.

- h. No alterations shall be made to the area between the All Time High
 - a. Water Mark and the water's edge.
- i. No supplemental plant nutrients shall be applied in the waterfront greenbelt area.
- j. No grading, excavation, filling or stump removal shall be allowed in the waterfront greenbelt area, unless necessary for erosion control and with appropriate state and county permits.
- k. A view corridor may be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structural features intended to provide a water view. Prior to cutting or removal of these trees and vegetation, these changes shall be marked by the applicant and approved by the Zoning Administrator as being in compliance with the WGLP.
- l. Pruning and removal activities shall be inspected at the discretion of the Zoning Administrator.
- m. The remaining trees and shrubs may be trimmed and pruned to create filtered views to the water from the property.

5. Waterfront Greenbelt Landscaping Plan.

- a. No person shall make any alterations within a waterfront greenbelt area on any waterfront lot without first obtaining approval for those alterations from the Zoning Administrator or Planning Commission as provided in this subsection.
- b. To obtain the approval required by subsection 5.a above the owner of the waterfront lot shall submit to the Zoning Administrator a WGLP, which shall include all of the following information:
 - i. Two (2) complete sets of plans for Zoning Administrator review or seven (7) complete sets for Planning Commission review.
 - ii. Show placement of any buildings or other structures, delineates a perimeter line encompassing all proposed activities, identifies the location and extent of the shoreline waterfront greenbelt boundary, and proposed land changes including plantings.
 - ii. All shoreline types and coastal resources, including but not limited to, bluff ridges, wetland boundaries, ordinary high water mark, existing vegetation inventory (trees, shrubs and ground cover, including a written list of species trees, shrubs and ground cover, with notes as to the locations of native and non-native species) shall be identified and submitted with the WGLP. All trees 10" and larger in diameter at 4.5 feet above ground shall be shown on a map, and will include the species, diameter and condition.

- iii. A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks.
 - iv. Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization measures as submitted to the Soil Erosion Control Enforcement Officer.
 - v. Photographs of existing waterfront greenbelt and detailed photographs of the proposed waterfront greenbelt alteration area that show all plants (trees and shrubs) marked for removal. After the project is completed the applicant shall submit detailed photographs of the waterfront greenbelt alteration area.
 - vi. Detailed drawings delineating the waterfront greenbelt alteration area before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas.
 - vii. Detailed drawings that show the location of existing structures on the property, as well as dwellings on neighboring parcels.
 - viii. The WGLP shall identify the location of property, including a full tax identification number, location of the nearest public road intersection, the high water mark, a north arrow and map scale.
 - ix. The WGLP shall include the name, address, professional status, license number (if applicable), and phone number of the person who prepared the plan along with the date of the original drawing and the date of the most recent revision.
- c. The Zoning Administrator or a designated outside reviewer shall review the WGLP to determine that all the required information has been provided within a reasonable period of time. If the proposed WGLP is found to be incomplete, the Zoning Administrator shall return the plan to the applicant with a list of deficiencies. Only when the Zoning Administrator finds that the WGLP is complete shall the plan be considered for approval. If the applicant fails to provide all the information required within a reasonable period of time, then the Zoning Administrator may deny the plan on that basis.
- d. The Zoning Administrator shall have authority to act upon a WGLP submitted in conjunction with alterations within the waterfront greenbelt on lots with less than 100 feet of water frontage.
- e. The Planning Commission shall have authority to act upon a WGLP submitted in conjunction with alterations within the waterfront greenbelt on lots with 100 feet or more of water frontage.
- f. Within a reasonable time after an administratively complete WGLP is submitted, the Zoning Administrator or Planning Commission shall approve or approve with conditions the WGLP if the Zoning Administrator or Planning Commission finds that all of the approval standards contained within subsection g below have been met.

- g. A WGLP shall comply with all of the following approval standards:
 - i. The proposed alterations within the waterfront greenbelt area shall comply with all requirements of Section 4.6.A of this Ordinance.
 - ii. The proposed alterations within the waterfront greenbelt area shall not create a significantly adverse impact on fish, birds, wildlife, native vegetation, and general water quality.
 - iii. The proposed alterations within the waterfront greenbelt area shall not create a significantly adverse impact on water quality by increased erosion and sedimentation going into the water.
 - iv. The proposed alterations within the waterfront greenbelt area shall not have a significantly adverse impact on the natural character and aesthetic value of the shoreline and on the visual impact of the development.
 - h. When granting approval of a WGLP the Zoning Administrator or Planning Commission may impose reasonable conditions on such approval pursuant to Section 5.6 of this Ordinance and may require a reasonable performance guarantee pursuant to Section 5.7 of this Ordinance.
- 6. No application of supplemental nutrients, pesticide or herbicides will be allowed in the waterfront greenbelt area or between the waterfront greenbelt area and the water's edge.
 - 7. A maximum of twenty percent (20%) lot coverage shall be allowed on any parcel within five hundred (500) feet of any lake, river or stream, unless stricter standards apply elsewhere in this ordinance.
 - 8. The base of the lowest floor of any building in the township shall be no lower than 585 feet International Great Lakes Datum of 1985.

B. WATER QUALITY PROTECTION ALTERNATIVES

Due to the potential commercial nature of land located within the Village Commercial Zoning District or the Village Mixed Use Zoning District, a waiver of the Waterfront Greenbelt provisions (Section 4.6.A), may be granted for properties located in these districts, by the Planning Commission, as part of a site plan review, upon request of the applicant and subject to the Planning Commission finding that the water quality protection objectives of the greenbelt will be met through the application of other documented storm water management and erosion control techniques and strategies.

The Planning Commission shall make written findings on the following standards prior to deciding whether or not to grant a greenbelt waiver.

- 1. Is there an existing greenbelt meeting the current provisions of the Zoning Ordinance in existence on the subject property?

2. Is there any shoreline protection, retention structure(s) or treatment devices in place? And if so, is it structurally sound, as attested by a Professional Engineer (PE) with a specialty in structural engineering?
3. Will the total amount of impervious surface on the site be altered as a result of the proposed development?
4. Will the proposed site development result in a reduction of the quantity of untreated storm water and/or the rate at which untreated storm water enters the lake, river or stream as compared with conditions prior to the proposed development?
5. The proposed site development is required to provide a storm water management plan which includes storm water management facilities and strategies to address storm water runoff during construction and after completion. The required storm water management plan must be approved by the Soil Erosion Control Officer of Charlevoix County. The recommendations made by the Soil Erosion Control Officer must be provided and completed.

In order to grant a greenbelt waiver, based on the Planning Commission findings for the above standards, the Planning Commission shall determine the proposed plan significantly improves the site's storm water management and site's impact on water quality.

SECTION 4.7 PERFORMANCE STANDARDS

No non-residential or non-agricultural use shall be operated such that it is obnoxious, objectionable, a nuisance or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located. *See Subsection 8.5.H.*

SECTION 4.8 DEPTH TO WIDTH RATIO

- A. For any newly created lot, a maximum depth to width ratio of 4:1 shall be observed, except where other standards apply in this Ordinance. The equivalent diagonal length shall be used to determine compliance with this Section for irregularly shaped lots.
- B. Lots must also comply with the Eveline Township Parcel Division Ordinance.

SECTION 4.9 MOBILE HOMES OUTSIDE OF MOBILE HOME PARKS

- A. Mobile homes are permitted where they meet all requirements of the Zoning District in which they will be located and further meet standards as adopted by the Department of Housing and Urban Development standards as published in CFR 3280, as amended.
- B. A mobile home shall be installed pursuant to the manufacturer's setup instructions and shall have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the applicable building code for single-family dwellings and shall be secured to the premises by an anchoring system or device compatible with those required by the manufacturer. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code applicable within the Township.

- B. **Regulations.** The following regulations shall apply to fences and hedges within the Township, unless otherwise required in this Ordinance:
1. Fences and hedges located in a front or street side yard shall be no more than 36 inches in height, as measured vertically from the surface of the ground.
 2. Fences located in a front or street side yard shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. No chain link fences shall be constructed in a front or street side yard.
 3. Fences located in a rear or interior side yard shall be no more than six (6) feet in height, as measured vertically from the surface of the ground; provided, however, that fences and hedges located in an interior side yard shall not extend closer to the front lot line than the front of the principal building or the required front yard setback, whichever point is farther from the front lot line.
 4. Fences located in a rear or interior side yard shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences shall be permitted in a rear or interior side yard.
 5. Except as otherwise provided herein, all fences and hedges shall be located entirely on the property of the person constructing the fence or hedge.
 6. The portions of all fences facing property other than the property of the fence owner or facing a road right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the road right-of-way.

3.13 **SHORELINE PROTECTION REGULATIONS**

- A. **Purpose.** The purpose of this Section is to maintain the natural shoreline appearance from the water surface while allowing landowners to enjoy views to the water and to protect the surface waters of Charlevoix Township from storm water flows that may be detrimental to water quality.
- B. **Setback Requirements.** No buildings or structures, except docks and launch ramps shall be erected within a shoreline protection zone closer than 50 feet from the shoreline of Lake Michigan, Lake Charlevoix, or any stream or creek as measured from the ordinary high water mark, or the top of bank, whichever is higher.
- C. **Regulations.** The following shoreline regulations shall apply to all districts except the I-2 Marine Industrial District:
1. Areas located below the Ordinary High Water Mark (elevation 579.8) shall not be altered.
 2. Within the first 50 feet as measured landward from the ordinary high water mark (shoreline protection zone), no more than one-third of the trees and shrubs shall be removed. Such trees and shrubs shall be cut flush with the ground but stumps shall not be removed. Significant trees (12 inches and larger in diameter measured at breast height) shall be preserved, wherever possible. The remaining trees and shrubs may be trimmed and pruned to create views to the water from the property.

3. Within the first 25-feet above the ordinary high water elevation, native vegetation shall be maintained to filter storm water flows. No cultured varieties of vegetation or grass shall be permitted within this zone.

3.14 BOATHOUSES

Boathouses, docks (except for seasonal docks), and launch ramps shall be permitted provided the requirements of Section 3.13 are satisfied and, further provided, permits have been issued by the appropriate regulatory agencies.

3.15 KEEPING OF ANIMALS

It shall be unlawful to keep farm animals in the Township, except as provided for in the Agricultural District. It shall also be unlawful to keep wild animals in the Township. This provision shall not prohibit the keeping of ordinary household pets such as dogs, cats, birds, fish and small rodents or exotic pets such as pot-bellied pigs or small wild animals such as amphibians and reptiles that are unlikely to be injurious to the health, welfare and safety of the public.

3.16 CRITICAL DUNE AREAS

The Township shall not issue a Zoning Permit for construction within any Critical Dune Area, whether or not shown on the Zoning Map, until approved by the Department of Environmental Quality in accordance with the State of Michigan, Sand Dune Protection and Management Act, Part 353 of PA 451 of 1994.

3.17 STREET CLOSURE

Whenever any road, street, alley or other public right-of-way, or railroad right-of-way, is vacated by official action of the appropriate agency or governmental body, the zoning district adjoining each side of such right-of-way shall automatically be extended to the center of such vacation, and all areas included in the vacation shall then be subject to all of the regulations of the extended districts.

3.18 ACCESS MANAGEMENT OVERLAY REGULATIONS - U.S. 31, M-66, AND BOYNE CITY ROAD.

- A. **Purposes.** The purposes of access management overlay regulations are to coordinate access to U.S. 31, M-66, and Boyne City Road in the interests of enhancing traffic safety, reducing congestion, maintaining traffic capacity, and minimizing highway expansion while providing continuing opportunities for growth and development within these highway corridors. It is the intent of this Ordinance that land uses share access wherever possible or provide alternative access as means to accomplish these purposes.
- B. **Site Plan Review Required.** Before any Zoning Permit is issued for lots that abut U.S.-31, M-66, or Boyne City Road, a site plan shall be approved by the Planning Commission in accordance with Article IX of this Ordinance. In addition to the Submission Requirements of Article IX, information shall be provided by the applicant that establishes the location of accesses on adjacent properties.
- C. **Regulations.** The following regulations shall be applicable to all lots abutting on U.S. 31, M-66, and Boyne City Road (hereinafter the Highway) in Charlevoix Township. No building, shall be erected or enlarged, no use shall be changed and no access shall be constructed or altered except in conformance with the following

Waterfront Development

Parcels with Lake frontage have special regulations which may not generally apply to non-waterfront parcels.

On Waterfront parcels, all new uses, including single-family and two-family dwellings, any renovation or expansion of an existing use, including single-family and two-family dwellings, require a special approval with Site Plan Review by the Planning Commission.

Waterfront parcels which do not already have an Ordinance compliant Natural Vegetation Waterfront Buffer Strip (Section 3.06) must install one as a component of the Site Plan Review process for any project which requires a zoning permit. This means that if there is currently a lawn area filling the entirety of the space between an existing dwelling and the shoreline, it will need to be reduced by the amount needed to fit in the required Natural Vegetation Waterfront Buffer Strip.

Any construction or destruction activity, including tree or vegetation removal, taking place within 25 feet (or 50 feet if located on a Shoreline Steep Slope Area) of the shoreline, needs to be approved by the zoning official prior to commencement of activity.

The Natural Vegetation Waterfront Buffer Strip must contain a minimum of 10 trees (which at maturity shall obtain a minimum height of 50 feet) for every 100 feet of lake frontage. Interplanted with the minimum number of trees required shall be a mixture of native species, low-growing woody shrubs that will provide complete coverage of the ground within the buffer strip. The only developments allowed to be located within the buffer strip are the following:

- An EGLE approved and permitted shoreline protection structure, when demonstrated that it is necessary to halt an existing erosion problem or to prevent future erosion.
- A single waterfront viewing platform a maximum of 120 square feet in area, which shall be constructed at ground level and of materials that allow for the infiltration of water.
- One seasonal dock, the length of which shall not exceed 150 ft. or that which is necessary to extend out to a water depth of 4 ft., whichever is greater.
- A single path, a maximum of 6 ft. wide, through the Natural Vegetation Waterfront Buffer Strip to the water.

Fences and hedgerows are prohibited within the Natural Vegetation Waterfront Buffer Strip.

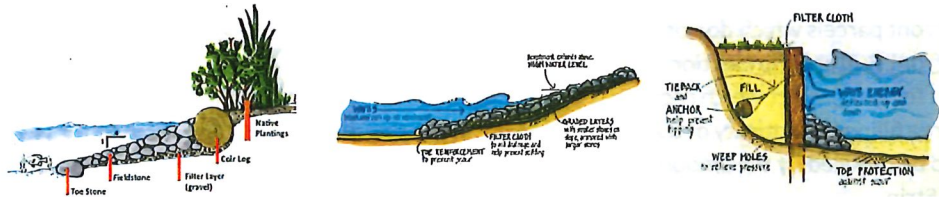
All new construction on waterfront parcels must maintain a minimum setback distance of 50-feet landward of the documented 'High-Water Level Elevation', defined as follows:

- Lake Charlevoix – the highest water level elevation for Lake Michigan/Huron as recorded by the United States Army Corps of Engineers (currently 582.35' International Great Lakes Datum [IGLD] recorded in October 1986), plus one (1) foot.
- Walloon Lake – the elevation of the outlet dam or as set by the courts, plus one-half (1/2) foot.
- For all other lakes and streams within Evangeline Township – the 100-year flood plain elevation plus one-half (1/2) foot.

The waterfront setback shall be increased from the standard 50-feet landward of the documented 'High-Water Level Elevation' to a minimum of 100-feet for areas identified on the Evangeline Township Shoreline Steep Slopes map in [Section 3.07 of the Evangeline Township Zoning Ordinance](#).

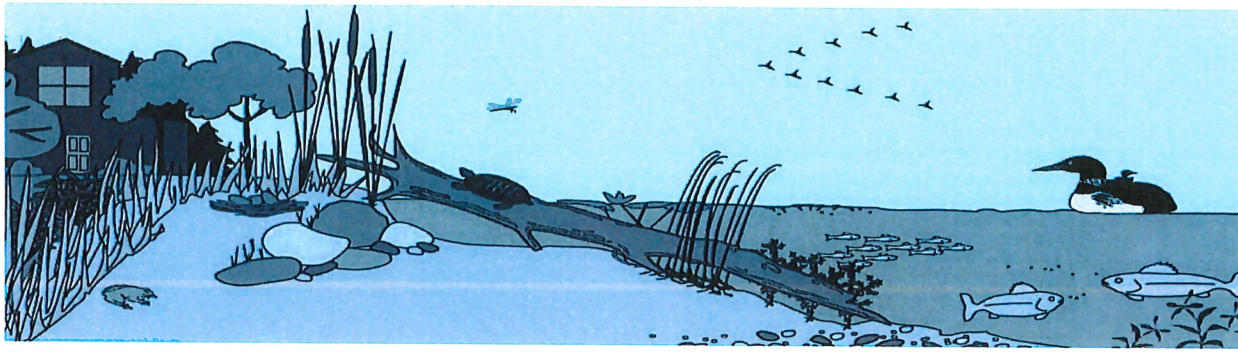
Note: All High-Water Level Elevations shall be measured from that point upland from the body of water where the natural grade first exceeds the High-Water Level Elevation, unless a Shoreline Protection Structure, as defined, is present, in which case the Shoreline Protection Structure shall serve as the High-Water Level Elevation.

- **Shoreline Protection Structure** – A structure, designed and constructed to protect shorelines from water erosion, which meet design standards such as illustrated below. The top of all shoreline protection structures shall be at or above the high-water level elevation as defined.



Connect to Helpful Resources for Land Development on Waterfront Lots; [CLICK HERE](#)

Back to [ZONING TOPICS](#)



Helpful Land Development Information for the Waterfront Landowner

As the owner of land located on the waterfront, it is important to be informed of local regulations which govern the development of land bordering along bodies of water. Land within the vicinity of rivers, lakes and streams often have specialized zoning regulations and restrictions designed to help preserve the water quality and prevent shoreline erosion. If you are considering making any alterations to the land near the water (within 50 feet of the shoreline) or to any existing buildings or structures located on your parcel, please review [Section 3.06](#) of the Evangeline Township Zoning Ordinance and contact other permitting agencies prior to planning your project.

Please contact the zoning office at 231-582-0337, if you have any questions over the ordinance regulations or to inquire if there is a previously approved site development plan to which your parcel must comply.

A bit of research and inquiry ahead of time may reduce frustration and unnecessary expenses that could result from projects commencing without first having obtained the proper approvals and required permitting.

The following websites are great resources where one can find relevant information regarding best practices, permitting requirements, and regulations pertaining to land development on waterfront lands:

- Michigan Department of Natural Resources – MDNR
 - <https://www.michigan.gov/dnr/managing-resources/landowners>
- Michigan Department of Environment, Great Lakes and Energy – EGLE
 - <https://www.michigan.gov/egle/about/organization/water-resources>
- EGLE – Wetlands Identification Program
 - <https://www.michigan.gov/egle/about/organization/Water-Resources/Wetlands/wetland-identification-program>
- Michigan Shoreland Stewards
 - <https://www.mishorelandstewards.org/>
- Tip of the Mitt Watershed Council
 - <https://www.watershedcouncil.org/>
- Michigan State University – Michigan Natural Shoreline Partnership
 - https://www.canr.msu.edu/michiganlakes/michigan_natural_shoreline_partnership
- Lake Charlevoix Association
 - <https://www.lakecharlevoix.org/your-greenbelt.html>
- Walloon Lake Association and Conservancy
 - <https://www.walloon.org/what-we-do/people/resources/>
- Otsego County Conservation District (Native Plant Nursery)
 - <http://www.otsegocd.org/native-plant-nursery.html>
- Charlevoix County Conservation District (Native Plants)
 - https://www.charlevoixcounty.org/conservation_district/native_plant_sale/index.php

Article V

Zoning District Regulations

5.1 Purpose

For the purpose of this Ordinance, Bay Township is divided into the following zoning districts:

A - Agricultural District

WF - Waterfront Overlay

R - Residential

V - Village Overlay

C - Commercial District

PUD - Planned Unit Development

5.2 Zoning Map

The locations and boundaries of these districts are shown on the Bay Township Zoning Map which is part of this Ordinance as is any other Chapter, Section, or regulation herein.

The official zoning map shall be the final authority as to the current zoning status of property in the Township. The official zoning map shall be displayed at the Township Hall, and shall be identified by the signature of the Township Clerk.

In the case of amendments to the zoning map, such amendments shall be noted on the map, and the date of such amendment shall be noted and accompanied by the signature of the Township Clerk.

5.3 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, the following rules shall apply:

- a. Where district boundaries are indicated as approximately the same as street or highway centerlines or right-of-way lines, platted lot lines, section lines, quarter-section lines, or other survey lines, such lines shall be construed to be said boundaries.
- b. Where district boundaries are indicated as approximately parallel to street or highway centerlines or right-of-way lines, or to section lines, quarter-section lines or other survey lines, such boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning District Map.
- c. Where the boundary of a district follows the shoreline of a stream, lake or other body of water, the boundary line shall be interpreted as following such shoreline and in the event of a naturally occurring change in shoreline shall be construed as moving with said shoreline.

5.4 Lot Area, Lot Width and Setback Requirements

Lot area, width and setback requirements are listed in the table appearing on the following page.

Area, Width and Setback Requirements

Zoning District	Lot Area (Minimum)	Lot Width (Minimum) ⁴	Lot Depth (Minimum) ⁴	Maximum Height	Front Setback (Minimum) ²	Side Setback (Minimum)	Rear Setback (Minimum)	Minimum Habitable Floor Area ³
Agricultural	1 acre ¹	150'	150'	30'	65'	15'	35'	720 sf
Residential	20,000 sf	100'	150'	30'	35'	15'	35'	860 sf
Commercial	2 acres	150'	150'	30'	100'	100'	100'	---

*See Figure 5.5(D) for standards related to accessory structures in front yards

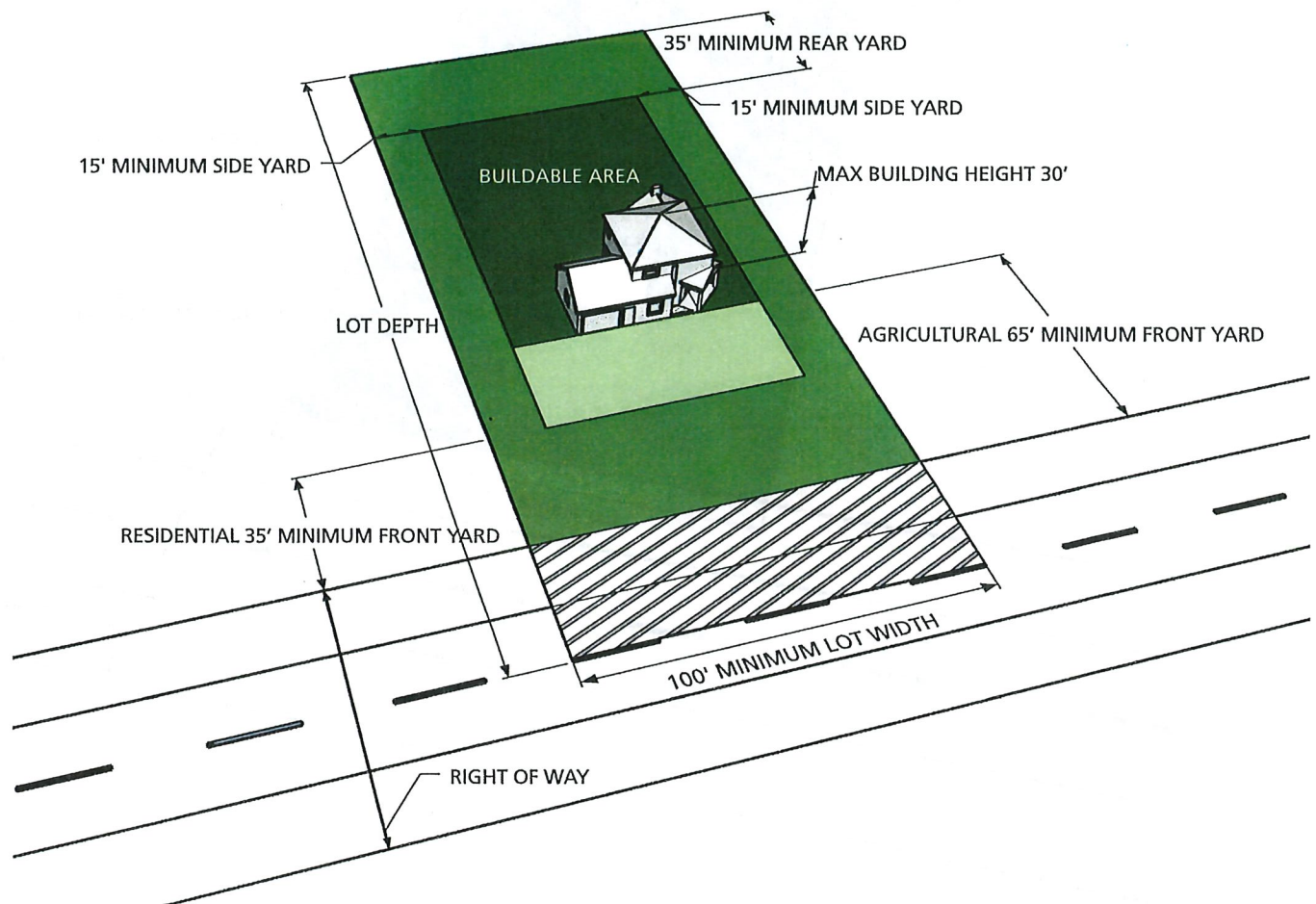
Notes:

1. Agricultural district density shall not exceed an equivalence of one lot per eight acres. Lot averaging is permitted, provided that the area of all lots meet minimum lot areas, and Northwest Michigan Community Health Agency septic disposal requirements; and the overall density does not exceed the maximum permitted within the Agricultural density for the entire parent parcel. Any lot splits within the Agricultural District utilizing the equivalent density approach, shall be recorded with the Township and the County Register of Deeds to indicate the size and tax number of the original parent parcel, and the remaining number of lot splits allowed. Once a parent parcel within the Agricultural District is completely split at its equivalent density, a deed restriction to which the Township is a party and signatory shall be recorded to document the size and tax parcel identification number of the parent parcel and any new lots. Lot splits may occur at once or over time in accordance with the equivalent Agricultural District approach. Upon the creation of any new lots in the Agricultural District from a parent parcel utilizing this approach, a statement shall be included within each new lot title that "no further lot splits or subdivisions, including site condominium and PUD, are allowed and that any resulting lots of ten (10) acres or more shall not qualify for PUD development under this Ordinance."
2. On corner and through lots, front yard setback requirements apply to both yards fronting on streets.
3. Habitable floor area does not include porches, patios, terraces, breezeways, carports, verandas, attached garages or basements and attics having headroom less than seven (7) feet. All dwellings shall contain a portion on the habitable floor area having a core area with the width and depth minimum dimension of sixteen (16) feet each.
4. The depth of a lot may not exceed four times its width.
5. Lot size, lot width, and setback requirements for overlay zoning districts are established by the underlying zoning district requirements. Waterfront overlay district regulations (Article VI) provide supplemental waterfront setback and greenbelt requirements. Village overlay zoning district regulations (Article IX) provide supplemental setback, use and design standards.

5.5 Lot Area, Lot Width and Setback Illustrations

The following illustrations (A-E) are intended to further clarify the dimensional zoning requirements for residential and agricultural parcels in Bay Township.

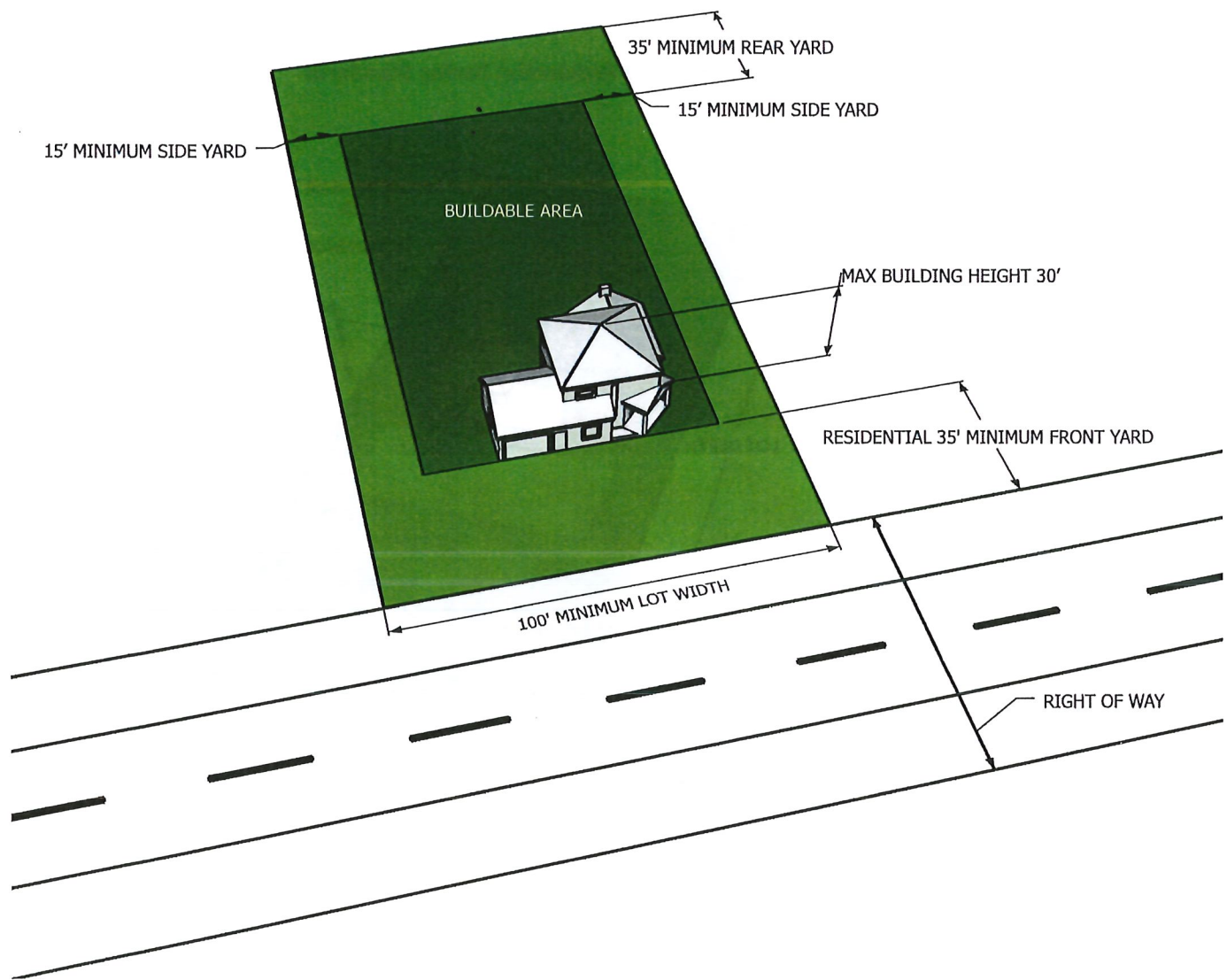
Figure 5.5 (A) – Unplatted Agricultural and Residential Zoning Standards



NOTES:

1. The right of way distance varies from road to road.
2. The front yard setback is measured from the center of the right-of-way and is equal to half the right-of-way plus the setback. In a typical 66' right-of-way, it would be 33' plus the 35' residential setback for a total of 68' from the center of the right-of-way and 33' plus the 65' agricultural setback for a total of 98' from the center of the right-of-way. Generally the center of the right-of-way can be measured from the road centerline, however if it is unclear, the center point needs to be verified through historical records or a survey.
3. The minimum lot size for unplatted residential (20,000 square feet) and agricultural (1 acre typically) is measured from the center of the right-of-way as shown in the cross hatched portion of the illustration unless otherwise noted in the parcel legal description. For unplatted (metes and bounds) parcels the minimum parcel size includes the right-of-way.
4. On steep slopes and uneven topography, the maximum building height is measured incrementally along the extent of the property line as described in Section 6.4(f).
5. For accessory buildings see Section 4.7.
6. See Figure 5.5(E) for triangular or irregular shaped lots.

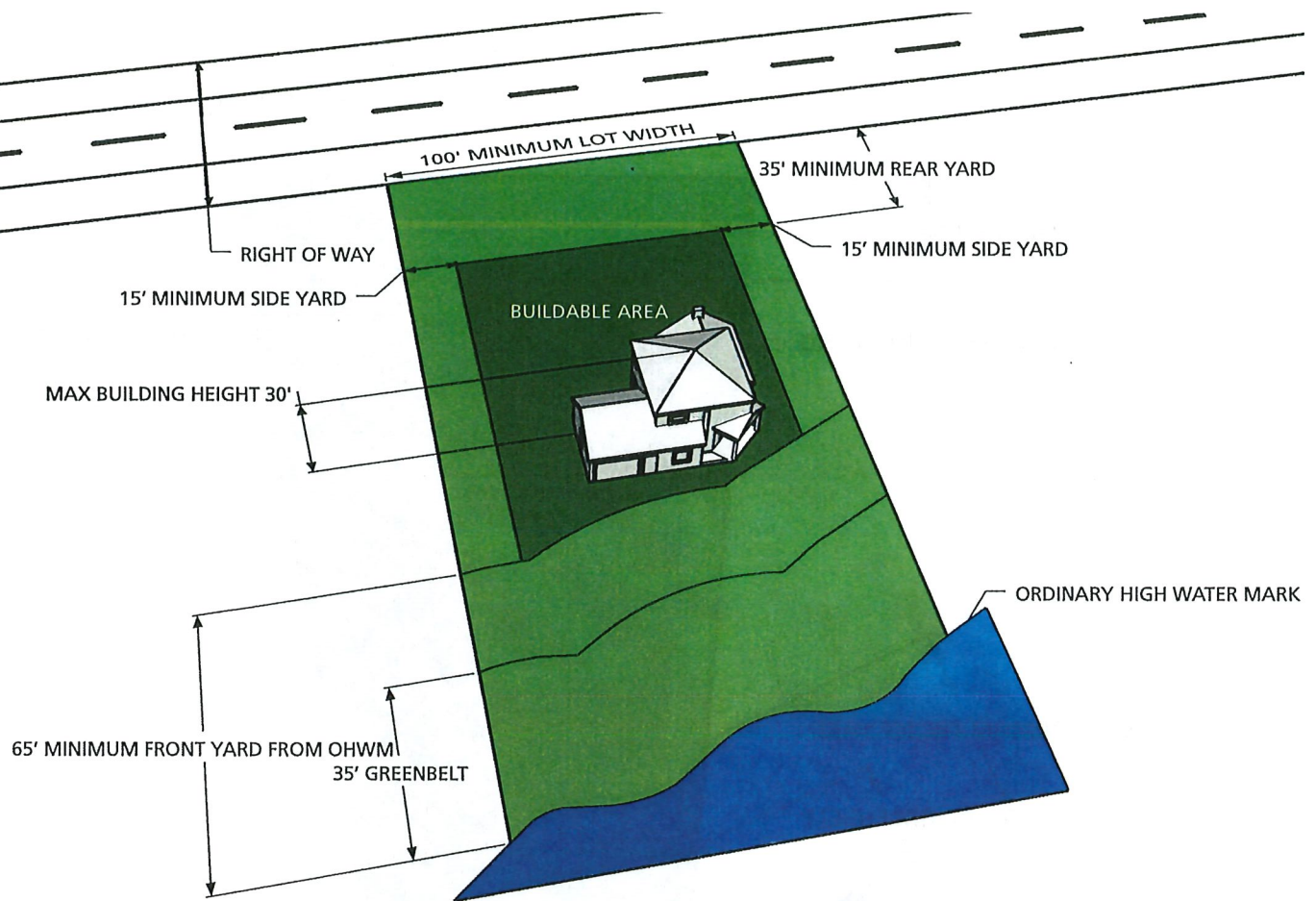
Figure 5.5(B) – Platted Zoning Standards



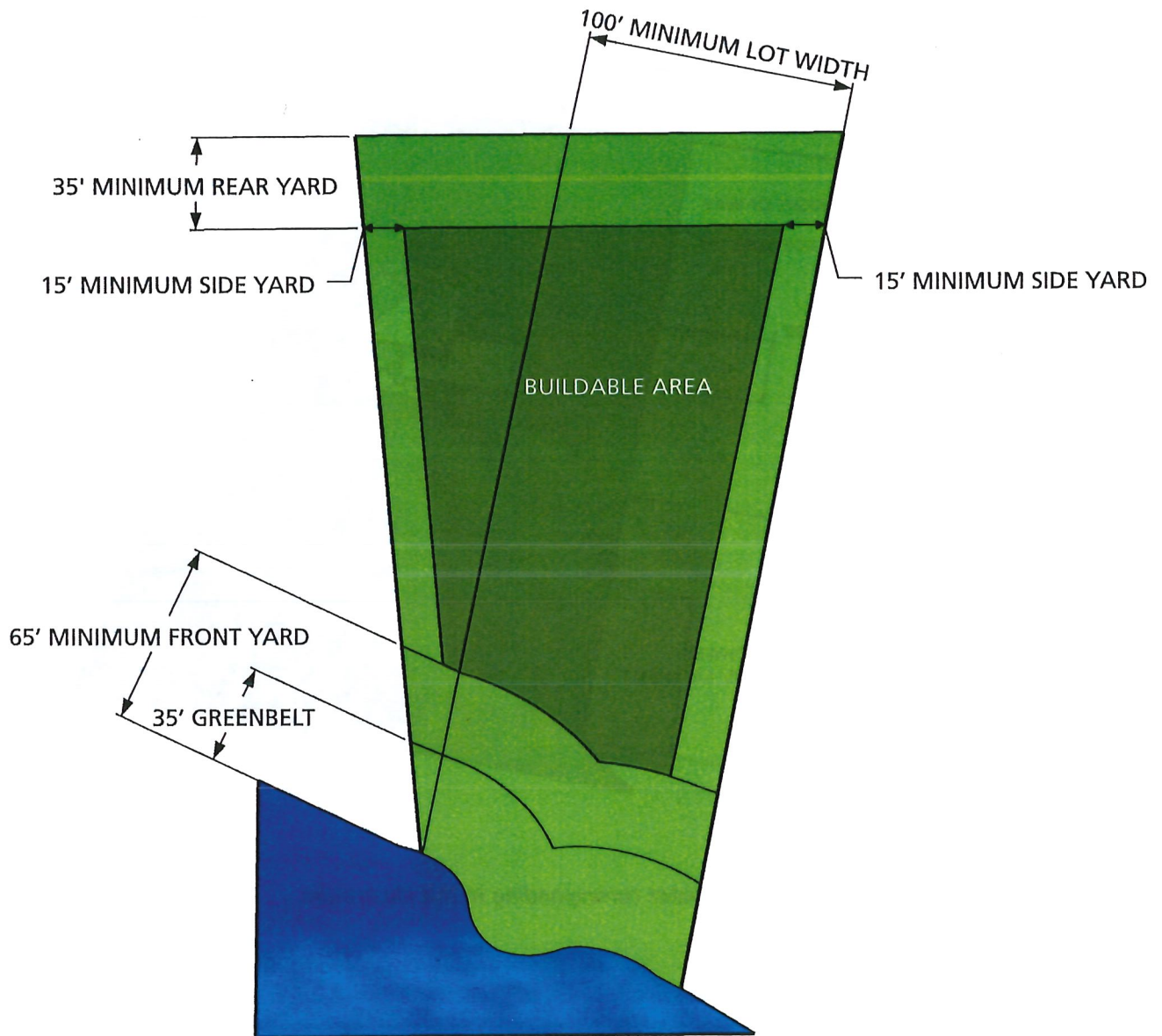
NOTES:

1. The right of way distance varies from road to road.
2. The front yard setback is measured from the center of the right-of-way and is equal to half the right-of-way plus the setback. In a typical 66' right-of-way, it would be 33' plus the 35' residential setback for a total of 68' from the center of the right-of-way and 33' plus the 65' agricultural setback for a total of 98' from the center of the right-of-way. Generally the center of the right-of-way can be measured from the road centerline, however if it is unclear, the center point needs to be verified through historical records or a survey.
3. The minimum lot size is 20,000 square feet per Section 5.4.
4. On steep slopes and uneven topography, the maximum building height is measured incrementally along the extent of the property line as described in Section 6.4(f).
5. For accessory buildings see Section 4.7.
6. See Figure 5.5(E) for triangular or irregular shaped lots.

Figures 5.5(C) – Waterfront Overlay District Residential Zoning Standards and Lot Size Requirements



Please see the following page for notes corresponding to this illustration.



NOTES:

1. The right of way distance varies from road to road.
2. The rear yard setback is measured from the center of the right-of-way and is equal to half the right-of-way plus the setback. In a typical 66' right-of-way, it would be 33' plus the 35' residential setback for a total of 68' from the center of the right-of-way and 33' plus the 65' agricultural setback for a total of 98' from the center of the right-of-way. Generally the center of the right-of-way can be measured from the road centerline, however if it is unclear, the center point needs to be verified through historical records or a survey.
3. For accessory buildings see Section 4.7.
4. On steep slopes and uneven topography, the maximum building height is measured incrementally along the extent of the property line.
5. See Figure 5.5(E) for triangular or irregular shaped lots.

ARTICLE VII - WR WATERFRONT RESOURCE OVERLAY
AREAS AND HR HISTORIC RESOURCES
OVERLAY AREAS

INTENT

Because there exists in Resort Township numerous and varied resources that should be protected for their scenic and significant national, state, and local historical values, environmental stability and character, the WR Waterfront Resource Overlay Area and HR Historic Resource Overlay Area are established to protect scenic and historical resources along rivers, highways and streets, lake shores and impounding waters, and connected to prime farmland. Because farming, tourism recreation and environmental control are major aspects of the Township's existing and future land use and development situation, it is deemed such protection shall be to the fullest extent that is prudent and feasible.

**SECTION 700. WATERFRONT RESOURCE OVERLAY AREA AND HR
RESOURCE OVERLAY AREA BOUNDARIES**

1. Unless otherwise illustrated or indicated on the Zoning Map, the Waterfront Resource Overlay Areas shall be deemed to extend at right angles from the ordinary high water level of rivers, lakes, impoundments, etc, to a depth of four hundred (400) feet; and to a depth of four hundred (400) feet from the nearest right-of-way of any scenic highway, street or road, or to the depth of the abutting property, whichever is less.
2. Unless otherwise illustrated or indicated on a zoning map or overlay district map, the Historic Resource Overlay Areas shall be deemed to be those structures or properties on or eligible for the National Register for Historic Places, or otherwise extend to those areas of the Township identified on or eligible for the National Register of Historic Places.

**SECTION 701. PRINCIPAL USES PERMITTED FOR THE WATERFRONT
RESOURCE OVERLAY AREA**

No buildings or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Permitted uses in the RR Recreation Residential Area shall be permitted in the WR Overlay Area.

SECTION 702. REQUIRED CONDITIONS

Every Use in the WR Overlay Area shall abide by the requirements of section 1808 Waterfront Regulations, Setbacks, and Greenbelts.

SECTION 703. PRINCIPAL USES PERMITTED IN THE HR HISTORIC RESOURCE OVERLAY AREAS

No buildings or land shall be used and no buildings shall be erected or occupied except for one or more of the following specified uses:

1. All principal uses and any special approved uses permitted in the underlying Land Use District within the Historic Resource Overlay Area, which is defined as buildings, structures, or land on or eligible for the National Register of Historic Places as updated.

SECTION 704. REQUIRED CONDITIONS AND STANDARDS FOR DEVELOPMENT IN HR AREA

Except for any lot created for residential purposes in an HR area established by a land division as defined by the Land Division Act, Public Act 591 of 1996, as amended (MCL 560.101 et. seq.), a permitted use listed under Sec. 703 and located in a HR area shall require special use approval pursuant to Article XVII of this Ordinance or as a PUD pursuant to Article XIV whichever is applicable, and in addition to the standards and conditions contained in those Sections, shall comply with the following standards or conditions:

1. If a residential lot is allowed or established pursuant to the Land Division Act, Public Act 591 of 1996, then the minimum density of a lot for a dwelling unit shall be 45,000 square feet, notwithstanding the density standards in Sec. 1500 of this Ordinance.
2. If a residential land development is proposed, such as but not limited to a PUD, site condominium, or subdivision, then the minimum density for each

dwelling unit is one unit per 90,000 square feet as set forth in Sec. 1500 of this Ordinance.

3. If a residential land development is proposed, such as but not limited to a PUD, site condominium, or subdivision, and the entire development is within an HR area, then the minimum density for the area dedicated for residential land development may be reduced to 22,000 square feet as set forth in Sec. 1500, subject, however, to the standards for PUDs or Special Uses, as the case may be, and the following standards:
 - a. The project meets all the standards and requirements for residential clustering under Sec. 1502.
 - b. The area dedicated for residential development, including building, streets, and parking surfaces, shall not exceed thirty (30) percent of the total property; however, in no event shall the dedicated area for residential development be less than 5 acres; and an area equal to 3 times the area dedicated for residential use shall remain open for farming or such other open space uses as are permitted in the underlying FF or residential district. So long as this proportionality is met, the landowner is not precluded from proposing additional areas dedicated for residential development as provided in this Subsection 704(3).
4. The proposed use will be harmonious and compatible with and not otherwise impair the historic resources.
5. The proposed use if approved will, if required as a condition, implement a plan to mitigate any adverse impacts on historic resources.
6. The remaining 70 percent of the property will remain perpetually undeveloped by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, except that the remaining portion may be used for farming or other related uses permitted within the HR District. The portion of any larger parcel of parcels of contiguous property that is not subject to either the 30 percent residential area or 70 percent undeveloped and farming or related use area is not required to be part of or subject to such conservation easement, dedication, restriction, or instrument that runs with the land.

SECTION 705. SPECIAL LAND USE QUALIFICATIONS

In addition to land within the HR area, an owner of farmland adjacent to or within the scenic view-shed of an Historic Resource Overlay Area may voluntarily qualify and apply for a PUD or special use permit subject to the standards and conditions applicable to land set forth in Sec. 704.

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clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Meeting with Geologist on Thursday, Oct. 19, 5:45 pm, Charlevoix Public Library

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Fri, Oct 6, 2023 at 11:39 AM

To: Ron Van Zee <supervisor@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>, Julie Collard <treasurer@hayestownshipmi.gov>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Doug Kuebler <hayestrustee5@gmail.com>, "rwgriffitts3@gmail.com" <rwgriffitts3@gmail.com>, Derek Burnett <burnett.pc@outlook.com>, Marilyn Morehead <morehead.m@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, "ctmartin55@gmail.com" <ctmartin55@gmail.com>, "mark-snyder@live.com" <mark-snyder@live.com>, "hayestownshippc@gmail.com" <hayestownshippc@gmail.com>

Dear Board of Trustees and Planning Commission Members,

You are invited to a public meeting and discussion with Mike Wilczynski, a certified professional geologist, on Thursday, October 19, at 5:45 pm, at the Charlevoix Public Library. Mike has nearly 45 years of experience in geology and hydrology.

This **informational** meeting consists of a brief 20-25 minute presentation followed by a Q/A session with the audience. The topics of the PowerPoint presentation include:

- Michigan's Zoning Enabling Act
- Groundwater Basics
- How geologists can understand a site without being on it
- The geology of Hayes Township and the Bay Shore mine

I'm asking you to please attend because it's important to our community. Northwestern Michigan has a natural abundance of gravel. Through proper zoning, the community looks to you to safeguard our health, our safety, and our property values. I know you take that seriously.

The meeting ends at 7:30 pm. For time efficiency, your questions can be submitted 24 hours ahead of the meeting by emailing them to me.

The topics discussed here are applicable to many townships throughout northern Michigan.

We are expecting a large number of people, both in-person and on Zoom. We are extending invitations to all townships in Charlevoix County. Also attached below is a poster promoting the meeting.

We are all hoping you will be able to attend. This public meeting will be very informative for everyone.

If you are attending by Zoom, I recommend that you submit your questions 24 hours ahead of time to my email address above. Thank you for your kind attention.

The https Zoom link is:

us06web.zoom.us/j/81333970123?pwd=I4HdkxGE6S5aOvAD3fWPva7paT9Iye.1

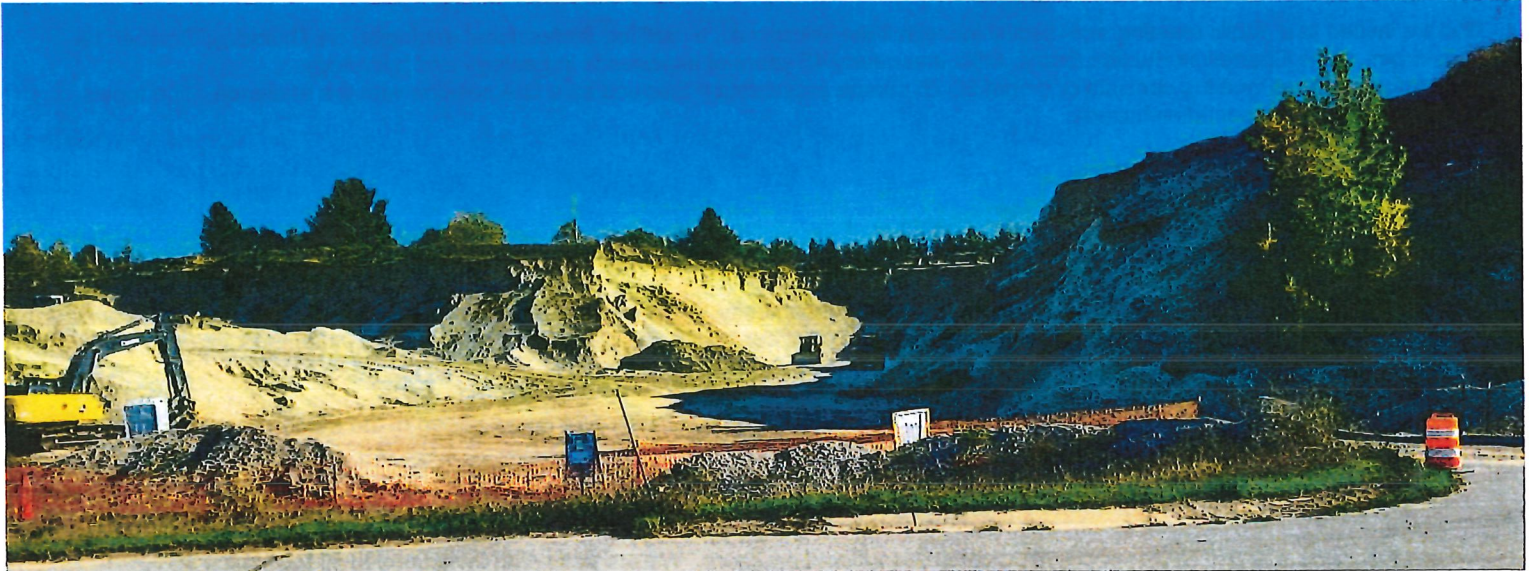
This is our opportunity to learn about the geology of where we live. Many questions will be answered. Thank you.

Jim McMahon
phone: 231-347-9829

 Gravel minng presentation flyer for Government officals PDF.pdf
481K

Got Gravel?

**If there is gravel in your community,
you could have this.**



**THURSDAY
OCTOBER
19
at 5:45 pm**

**Learn about the Zoning Enabling
Act, groundwater basics, how
geologists can understand a site
without being on it and the geology
of Hayes Twp and Bay Shore's mine.**

**Charlevoix Public Library
220 Clinton Street
Charlevoix**

**Attend in person or by Zoom.
To get the Zoom link, email:**

miningconcerns.oct19@yahoo.com

**Guest Speaker
MIKE WILCZYNSKI
Certified Professional
Geologist, Emeritus
Pangea Environmental LLC**

Hosted by Concerned Residents in Bay Shore & Hayes Township.

- Construction and Safety Standards Act of 1974.
- C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
 - D. Mobile homes shall not be used as an accessory building.
2. Replacement of lawfully existing non-conforming mobile homes shall be allowed provided the site and age of replacement would be in greater compliance with the Zoning Ordinance, and is located in compliance with the applicable district setbacks. The replacement would not increase the non-conformity or would not be contrary to the intent of the Ordinance and shall comply with the additional standards A-D listed above in subsection 3.11.1.

Section 3.12 Recreational Vehicles

Temporary occupancy of travel trailers, motor homes and other similar vehicles shall not exceed ninety (90) days in any calendar year and shall not be connected to utility, water supply and sanitary sewer. No more than two (2) recreational vehicles shall be allowed on parcels with an existing dwelling unit. They are to be located in a side or rear yard and the placement must comply with district setbacks. In the event that two or more recreational vehicles occupy a parcel for longer than the ninety (90) day limit, they shall then be required to be stored within an enclosed structure.

Section 3.13 Animals

The keeping of poultry, pigs, horses or other such livestock is allowed in the Agricultural and Rural Residential Districts. In other districts, provided the parcels of land are five (5) acres or greater in size, the keeping of poultry, pigs, horses or other such livestock is allowed, as provided for under the Michigan Right to Farm Act.

Section 3.14 Waterfront Regulations

- 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 natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources, water quality and community scenic and recreational values.
- 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 one hundred (100) feet of the Ordinary High Water Mark on Lake Michigan and Lake Charlevoix, and eighty (80) feet on Susan Lake, and such excepted facilities shall meet the side yard setbacks for the district in which they are located.
 - A. One at-grade patio/deck, not to exceed two hundred (200) square feet may be located within the 100-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 patios/deck shall be located more than two feet above the natural grade.

- II. It is the desire of the Township to bring nonconforming patios/decks into conformance with provisions of this Ordinance as rapidly as is permitted by law.

3. Shoreland Protection Strip

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

- A. **The Shoreland Protection Strip shall not be altered more than 20% under any condition, except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in 3.14.3I.**
- B. 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 shall be required. Refer to Section 3.14.8 for details on the waterfront development approval process.
- C. Shoreline retaining structures shall be permitted with appropriate agency approvals.
- D. 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. Take the most environmentally sensitive route between each destination; and
 - IV. Are not constructed in such a way that they expand the deck beyond the two hundred (200) square foot maximum.
- E. The use of pesticides, herbicides and fertilizers is prohibited.
- F. Leaves, grass clippings and similar yard/garden wastes may not be burned or stored. Composting of food waste is encouraged, but must be located a minimum of one hundred (100) feet from the Ordinary High Water Mark.
- G. No septic tanks or septic system filtration fields shall be located within the Shoreland Protection Strip.
- H. 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 species by 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. The vegetation on the remaining twenty percent (20%) may be cleared for a single view corridor; or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty percent (20%) of the frontage. When trees are removed, root systems shall be left in place for shoreline stabilization. For purposes of this subsection, the natural vegetation coverage within the shoreland protection strip shall be determined by the sum of the area of the waterfront view blocked by all portions of each vegetation plant (trunk, limbs, and leaves) when viewed directly landward behind each plant.

- B. 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.
- C. 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 3.14.5 Limitation of Funnel Development.
- D. 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.
- E. 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.
- F. 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 3.14.4B and 3.14.4C.
- G. Dock lighting for safety and navigational purposes are allowed. All lighting shall comply with Section 3.20; flashing lights are not allowed and require that the maximum height does not exceed four (4) feet, above the dock surface.
- H. Any damage caused to the Shoreland Protection Strip during the process of installing or removing seasonal docks, shall be repaired within 30 days from the date that the property owner is notified by first class mail.
- I. All permits required by the MDEQ, USACE, Hayes Township, and other applicable entities must be obtained prior to the construction or modification of docks or marinas.

5. 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.

6. Marine Sewage Pump-out Facility

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.

7. 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 Section 3.14(1-3, and 8) shall not 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.

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.

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.

8. 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.

- i. To ensure compliance with the waterfront regulations described in 3.14 (1-5), 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 Shoreland Landscaping Plan (3.14.8B) in most instances for the area within one hundred (100) feet of the Ordinary High Water Mark and Site Plan Review for all new residential waterfront dwelling units.
- ii. For the area of land waterward of the Ordinary High Water Mark, MDEQ and/or Army Corps of Engineers permits must be obtained for any construction or changes since the alternation 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 developments and facilitate compliance with the waterfront provisions in this section. The requirements placed on property owners will be in proportion to the proposed activity.

B. Shoreland Landscaping Plan

The purpose of the Shoreland Landscaping Plan is to ensure that waterfront development will not negatively impact water quality.

- i. The Landscaping Plan shall address the conditions set forth in Section 3.14 (1-5).
- ii. The Landscaping Plan shall address the elements set forth in Section 3.24 Landscaping.

- iii. Prior to receiving a zoning permit to build or increase the footprint of a waterfront structure, a Shoreland Landscaping Plan with the following information is required:

1. A detailed inventory of the existing 50-foot 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 one hundred (100) feet of the Ordinary High Water Mark.
3. A detailed inventory of planned changes to the 50-foot Shoreland Protection Strip area, including tree removals and/or plantings, vegetation removal and/or plantings (if applicable).

C. Shoreland Protection Subcommittee

To ensure the compliance with the waterfront provisions in this section, a Subcommittee of the Planning Commission will meet to review waterfront development proposals 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 a representative from Tip of the Mitt Watershed Council, the Lake Charlevoix Association, or a similar 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.
- iv. Section 3.14.8D summarizes what actions trigger review by the Subcommittee.

- D. 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 5.02.
	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 5.02. and a Shoreland Landscaping Plan as described in Section 3.14.8A.
	A new residential home construction or a major reconstruction (over 50%).	Planning Commission Site Plan Review with input from the Shoreland Protection Subcommittee	Shoreland Landscaping Plan as described in Section 3.14.8A. and Site Plan Data required in 5.03.3.
Within the 100-foot shoreline setback	The addition or modification of a walkway, retaining wall, or patio/deck.	Administrative Review by the Zoning Administrator with input from the Shoreland Protection Subcommittee	Plot Plan as described in Section 5.02. and a Shoreland Landscaping Plan as described in Section 3.14.8(A).

Section 4. Amendment of Article IV.

Article IV of the Hayes Township Zoning Ordinance is hereby amended to add new Sections 4.06A and 4.06B, which shall read in their entirety as follows:

Section 4.06A Michigan Shores District (R-2MS)

The following provisions shall apply to the Michigan Shores District (R-2MS)

1. Intent

The Michigan Shores District is designed to allow uses customarily allowed in the Small Lot Residential District (R-2) while supporting a residential development pattern that maintains the historic cottage character of the Lake Michigan waterfront subdivision.

2. Permitted Uses

- A. Single family dwellings
- B. Parks and playgrounds
- C. Home occupations conducted completely inside the residence, subject to the provisions of Section 3.15 Home Businesses.
- D. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Cottage industries conducted outside the residence in the yard, garage, or accessory structure, subject to the provisions of Section 3.15 Home Businesses.

4. Dimensional Requirements

Structures and uses in the Michigan Shores District (R-2MS) are subject to the area, height, bulk and placement requirements in Section 4.13 Schedule of Regulations.

Section 4.06B Susan Lake District (R-2SL)

The following provisions shall apply to the Susan Lake District (R-2SL)

1. Intent

The Susan Lake District is designed to allow uses customarily allowed in the Small Lot Residential District (R-2) while supporting a residential development pattern that maintains the historic cottage character of the Susan Lake waterfront subdivisions.

2. Permitted Uses

- A. Single family dwellings
- B. Parks and playgrounds
- C. Home occupations conducted completely inside the residence, subject to the provisions of Section 3.15 Home Businesses.
- D. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Cottage industries conducted outside the residence in the yard, garage, or accessory structure, subject to the provisions of Section 3.15 Home Businesses.

4. Dimensional Requirements

Structures and uses in the Susan Lake District (R-2SL) are subject to the area, height, bulk and placement requirements in Section 4.13 Schedule of Regulations.

Section 5. Amendment of Article IV, Section 4.13.

Article VI, Section 4.13 of the Hayes Township Zoning Ordinance is hereby amended to add regulations for the new Michigan Shores and Susan Lake Zoning Districts, which regulations shall read in their entirety as follows:

Zoning District	District Name	Minimum Lot Area		Max. Ht. Structure	Minimum Yard Setbacks (h)			Min. Square Footage	Max. % of Impervious Surface
		Area	Width	Feet	Front	Side	Rear		
R-2MS	Michigan Shores	¼ ac (m)	120 ft (m)	35 (a)	(i)	(j)	25	600	35
R-2SL	Susan Lake	¼ ac (m)	120 ft (m)	35 (a)	(k)	(j)	(l)	600	35

Section 6. Amendment of Article IV, Section 4.13.

Article IV, Section 4.13 of the Hayes Township Zoning Ordinance is hereby amended to reduce the Minimum Square Footage in the Table of Regulations from 900 to 600 for the RR-1, R-1, R-2, R-3 and R-4 Zoning Districts.

Section 7. Amendment of Article IV, Section 4.13.

Footnote f to the Table of Regulations in Article IV, Section 4.13 of the Hayes Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- f. If the developer proposes a mixture of units having differing floor plans, a minimum floor space of five hundred (500) square feet shall be maintained.

Section 8. Amendment of Article IV, Section 4.13.

The Table of Regulations in Article IV, Section 4.13 of the Hayes Township Zoning Ordinance is hereby amended to add new footnotes i, j, k, and l, which shall read in their entirety as follows:

- i. The front setback for non-waterfront lots shall be 25 feet. The front setback for waterfront lots shall be 50 feet from the Ordinary High Water Mark.
- j. The sum of the two side yard setbacks shall be no less than 15 feet, whereas one side shall not be less than 5 feet, and the distance to an adjacent principal structure on the neighboring property shall not be less than 15 feet.
- k. The front setback for waterfront lots shall be 50 feet, measured from the property line. The front setback for non-waterfront lots shall be 25 feet.
- l. The rear setback for waterfront lots shall be 15 feet. The rear setback for non-waterfront lots shall be 25 feet.
- m. Existing lots of record in the R-2MS and R-2SL Districts that do not meet the minimum lot width and area standards shall be permitted to be developed for any use allowed in the districts, so long as all other applicable dimensional standards are met as required in Section 3.02.08.

Section 9. Amendment of Article IV, Section 4.01.2.

The zoning map incorporated into Article IV, Section 4.01.02 of the Hayes Township Zoning Ordinance is hereby amended to rezone all of the lots within the Plat of Michigan Shores, situated in the Township of Hayes, County of Charlevoix, State of Michigan from the Small Lot Residential District (R-2) to the Michigan Shores District (R-2MS).

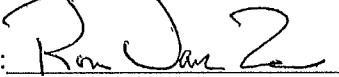
Section 10. Amendment of Article IV, Section 4.01.2.

The zoning map incorporated into Article IV, Section 4.01.02 of the Hayes Township Zoning Ordinance is hereby amended to rezone all of the lots within the Plat of Susan Shores No.1 and the Plat of Tunison Subdivision, situated in the Township of Hayes, County of Charlevoix, State of Michigan from the Small Lot Residential District (R-2) to the Susan Lake District (R-2SL).

Section 11. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Hayes

By: 

Ron VanZee, Supervisor

Adoption date: 07-13-2020

By: 

Kristin Baranski, Clerk

Effective date: 08-06-2020



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Letter to PC regarding zoning ordinance3 messages

LuAnne Kozma <luannekozma@gmail.com>

Fri, Oct 13, 2023 at 4:52 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Derek Burnett <Burnett.pc@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Marilyn Morehead <morehead.m@gmail.com>, mark-snyder@live.com, ctmartin55@gmail.com, kristin baranski <clerk@hayestownshipmi.gov>

Dear Planning Commissioners,

I submitted the attached letter to the Board of Trustees this past week, and am sending now to the PC as well. Please put both my email and the letter into the packet for the public for the October 17 meeting.

I request that the PC ask the Board of Trustees to put out a Request for Proposals to hire a certified planning consulting firm or consultant to help guide the Commission through the zoning ordinance revision (or simply amending it).

I spoke with John Iacoangeli of Beckett and Raeder (BRI) last December and he said not he nor anyone at Beckett and Raeder was contacted throughout the last 2 years about the revision process and he had never seen your (Bay Township) revision. He did not know that the PC had discarded the BRI zoning draft. Yet, during many meetings, I've witnessed Commission chair Griffiths say he would "ask Beckett and Raeder." Apparently that did not actually happen.

Beckett and Raeder's draft zoning ordinance of winter 2021 was discarded by the PC in August 2021. We taxpayers funded that draft for \$20,000.

I do not support a second contract with Beckett and Raeder for the PC's third attempt at rewriting the ordinance. The Township needs to hire another consulting firm and it needs a bidding process for contracted services.

(I do support the Township hiring BRI for zoning administration, which would save the taxpayers over \$6,000 per year).

I would like Commissioners to truly understand what the 2006 Michigan Zoning Enabling Act allows you to do and not do.

Case in point is every time the PC went over the "Legal Basis" section over the past two years, and surprisingly in your last written edits, and even as recent as last month's meeting, not a single commissioner --nor the zoning administrator--caught the serious error of citing the wrong state statute. You cite the Township Zoning Act, which has been repealed by the MZEA. If you only had been revising *our own ordinance*, you would see that after various revisions under the TZA prior to 2006, in 2009 the Township adopted the new ordinance under the MZEA. Any amendments under our 2009

ordinance are under the authority of the MZEA, not TZA. Any new adoption certainly has to be under MZEA. We noticed this when the Bay Township version first was made public two falls ago, but we have kept our comments to ourselves, waiting to see if the Commission ever figured it out. But you have not.

(Bay Township adopted its 1997 ordinance under the TZA, which is why it cites it, and has only amended, not adopted, since.)

To me this ongoing error demonstrates more than sloppiness. It demonstrates that the Commission as a whole, and certainly its leadership, does not understand the MZEA. Is not referring to it.

The whole point of a zoning ordinance is to explain to property owners what they can do AND what they can't do.

We need a better process. The process now is just wasting a lot of people's time and tax dollars.

LuAnne Kozma
9330 Woods Road
Charlevoix MI 49720



Kozma comments BOT Oct 9, 2023 planning.pdf

72K

Mark Snyder <mark-snyder@live.com>

Fri, Oct 13, 2023 at 5:57 PM

To: LuAnne Kozma <luanekozma@gmail.com>, Roy Griffiths <rwgriffitts3@gmail.com>, Derek Burnett <Burnett.pc@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Marilyn Morehead <morehead.m@gmail.com>, "ctmartin55@gmail.com" <ctmartin55@gmail.com>, kristin baranski <clerk@hayestownshipmi.gov>

Please use the following email for me in regards to all township related communications:

snyderhttp@outlook.com

Thank you,

Mark

[Quoted text hidden]

clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Fri, Oct 13, 2023 at 8:46 PM

To: Ron Vanzee <supervisor@hayestownshipmi.gov>

Sent from my iPhone



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Re: alteration of SPS if EGLE and Corps permit?

2 messages

Ellis Boal <ellisboal@voyager.net>

Fri, Oct 13, 2023 at 10:02 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>

Cc: Ron VanZee <supervisor@hayestownshipmi.gov>, Derek Burnett <Burnett.pc@outlook.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Rex Greenslade <greensladerex@gmail.com>, Marilyn Morehead <morehead.m@gmail.com>, ctmartin55@gmail.com, mark-snyder@live.com, kristin baranski <clerk@hayestownshipmi.gov>

Roy,

I see waterfront regulations are coming up at next week's PC meeting.

Now, prior to the meeting, is the time you should answer my questions to you of last May, if the following zoning amendment which appeared in October of last year is still on the table for discussion:

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 5.3, 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.

(Red in original, underlining added.)

Which PC members were behind the proposed amendment as underlined, when was it proposed, and what was the reasoning for it being proposed?

The ZBA recognized with the Law Project just before the proposal appeared in October, that the current Township SPS language is stronger than the rules of the Army Corps and the State. A stronger ordinance is at it should be, and as it should remain. The Township should not weaken protection down to the federal and state levels.

But if the proposal, and anything like it, has now been withdrawn from the PC table that would be wonderful news, and I withdraw the questions.

Ellis

On 5/29/2023 2:24 PM, Ellis Boal wrote:

Roy,

Do you refuse to answer these questions?

If so, please name someone who could answer.

Ellis

On 5/22/2023 3:44 PM, Ellis Boal wrote:

Roy,

Will you be answering my questions of five days ago, which PC members were behind the amendment proposed below, and when it was proposed, and the reasoning for it being proposed?

Ellis

On 5/17/2023 4:56 PM, Ellis Boal wrote:

Roy,

Reviewing the 50-page "Planning Commission Discussion Edits, Part 1 -October 2022" linked from <https://www.hayestownshipmi.gov/hayes-township-planning-commission-meeting-agendas-minutes/#1621877823954-e3f84b6e-464c>, under "Article IV Waterfront Regulations (11/2021) Preliminary Draft" I note § 4.3(B) which says:

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 5.3, 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.

(Red in original, underlining added.) I do not recall seeing the underlined language in any of the previous PC drafts of proposed changes to the Zoning Ordinance. Nor do I recall it being discussed at a PC meeting.

October 2022 was the first PC meeting after the ZBA's salutary interpretation of August 22 holding just the opposite -- as LuAnne, Irene, and Elisabeth had been urging for over a year -- that the Ordinance forbids excavation in the SPS, period, regardless that both EGLE and the Corps had greenlighted the Laws' project. If adopted, the underlined language would undo the ZBA interpretation which we worked so hard to achieve.

Who on the PC proposed or supported this, and when, and what was the reasoning advanced?

Thanks.

Ellis

Ellis Boal <ellisboal@voyager.net>
To: "C. T. Martin" <ctmartin55@gmail.com>

Sat, Oct 14, 2023 at 1:37 PM

Cc: kristin baranski <clerk@hayestownshipmi.gov>, mark-snyder@live.com

Will do.

Kristin has not added your name and email, or Mark Snyder's, onto the Township's web page for the PC. <https://www.hayestownshipmi.gov/township-planning-commission/>

Ellis

On 10/14/2023 11:40 AM, C. T. Martin wrote:

Please use ctmagnetics@aol.com for future correspondence

Thank you

C.T. Martin

[Quoted text hidden]



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Recommendations for tomorrow's PC meeting--From Protect Lake Charlevoix Shoreland

3 messages

LuAnne Kozma <luannekozma@gmail.com>

Mon, Oct 16, 2023 at 4:53 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Marilyn Morehead <morehead.m@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, Derek Burnett <Burnett.pc@outlook.com>, kristin baranski <clerk@hayestownshipmi.gov>, "ctmagnetics@aol.com" <ctmagnetics@aol.com>, snyderhnp@outlook.com

Cc: Ellis Boal <ellisboal@voyager.net>, Deborah Narten <dlnarten@gmail.com>, Bill Henne <wm.henne@gmail.com>, Danelle Hutcheon <dhutch3547@gmail.com>

Dear Planning Commissioners,

Our group, Protect Lake Charlevoix Shoreland, has been following the revision of the zoning ordinance closely over the past two years.

Over the weekend we met and compiled the attached list of our recommendations for the waterfront regulations. It also includes some, but not all, of our recommendations for various definitions.

We hope that you are able to take some time to review these prior to your discussion tomorrow.

Since the public cannot speak on agenda items until after your discussion and decision-making, it does not properly inform the Planning Commission or others attending the meeting of the community's wishes and suggestions. With that in mind, please attach our recommendations and this email to the Correspondence and PC packet at the meeting so that the public can be informed.

Thank you,

Protect Lake Charlevoix Shoreland
Ellis Boal
Bill Henne
Danelle Hutchison
LuAnne Kozma
Debbie Narten

 PLCS's Recommendations on ZO to PC.pdf
73K

clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>
To: Treasurer Julie Collard <treasurer@hayestownshipmi.gov>

Mon, Oct 16, 2023 at 8:08 PM

Sent from my iPhone

Begin forwarded message:

From: LuAnne Kozma <luannekozma@gmail.com>

Date: October 16, 2023 at 4:54:18 PM EDT

To: Roy Griffiths <rwgriffitts3@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Marilyn Morehead <morehead.m@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, Derek Burnett <burnett.pc@outlook.com>, kristin baranski <clerk@hayestownshipmi.gov>, ctmagnetics@aol.com, snyderhnp@outlook.com

Cc: Ellis Boal <ellisboal@voyager.net>, Deborah Narten <dlnarten@gmail.com>, Bill Henne <wm.henne@gmail.com>, Danelle Hutcheon <dhutch3547@gmail.com>

Subject: Recommendations for tomorrow's PC meeting--From Protect Lake Charlevoix Shoreland

[Quoted text hidden]

 PLCS's Recommendations on ZO to PC.pdf
73K

clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>
To: Ron Vanzee <supervisor@hayestownshipmi.gov>

Mon, Oct 16, 2023 at 8:09 PM

Sent from my iPhone

Begin forwarded message:

From: clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>
Date: October 16, 2023 at 8:09:10 PM EDT
To: Treasurer Julie Collard <treasurer@hayestownshipmi.gov>
Subject: Fwd: Recommendations for tomorrow's PC meeting--From Protect Lake Charlevoix Shoreland

[Quoted text hidden]

 **PLCS's Recommendations on ZO to PC.pdf**
73K

Protect Lake Charlevoix Shoreland's Recommendations to Hayes Township Planning Commission for Waterfront Regulations in Zoning Ordinance

October 16, 2023

Who we are

Protect Lake Charlevoix Shoreland is a 501c4 social welfare non profit organization formed by five Hayes Township members in 2022 to advocate for shoreland protection, stop the township from allowing the Law boathouse project, and advocate for strong protections for the shoreland in zoning ordinances around Lake Charlevoix. See www.protectlakecharlevoixshoreland.org

Recommendations

1. Keep current ordinance essentially intact with the improvements listed below. It is a model ordinance according to the Michigan Lakes and Streams Association, for shoreland protection. Please refer often to the "Protecting Michigan's Inland Lakes: A Guide for Local Governments" which can be found at:

<https://mymlsa.org/government-and-legal-issues/protecting-michigans-inland-lakes-a-toolkit-for-local-governments/>

2. Integrate the amendment regarding the Michigan Shores and Susan Lake overlay districts into the ordinance, as was done by Beckett and Raeder in the discarded draft.

3. Keep the Shoreland Protection Strip definition as in the current Zoning Ordinance.

4. Do not decrease the size of the Shoreland Protection Strip. Keep it at the current 50 feet depth.

5. Do not vary the size of the Shoreland Protection Strip depending on slope steepness.

6. Keep the current structure setbacks at 100 feet for Lakes Charlevoix and Michigan and 80 feet for Susan Lake. Keep the 100 foot setback for rivers and streams.

7. The current ordinance language was interpreted (ruled on) by the Zoning Board of Appeals in August 2022 to mean that excavation of the Shoreland Protection Strip (first 50 feet of uplands) for boat basins and canals/channels is prohibited. Channels and boat basins are "structures" that are not allowed within 100 feet of the OHWM as well. Clarify the ordinance by adding this sentence to section 3.14(3) as a new subsection following subsection A: **"Excavation of the shoreland (uplands) within 100 feet of the Ordinary High Water Mark for any purpose, except for post-holes for 200-square foot viewing decks/patios and small retaining walls for stabilizing walkways, is prohibited."**

8. Keep the wording "tree root systems shall remain in place."

9. Keep minimum lot size for waterfront lots on Lake Charlevoix at 2 acres.

10. Add to the "Intent" section the following in red:

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 natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan.

Uncontrolled use of shorelines and pollution of navigable waters will adversely affect the public health, safety, and general welfare and impair the tax base. The maintenance of safe and healthful conditions, prevention and control of water pollution, and protection of spawning grounds, fish and aquatic life and shoreland ecology, control of building sites, placement of structures and land uses, and preservation of shore vegetation and uplands soils are a public interest. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources, water quality and community scenic, and recreational, and ecological values. In Hayes Township, waterfront lots on lakes shall remain residential.

11. Prohibit boathouses on uplands within 100 feet of the Ordinary High Water Mark and on bottomlands.
12. Prohibit marinas. Remove language referring to marinas.
13. Prohibit permanent docks on the uplands and bottomlands.
14. Prohibit rip rap, seawalls and other shoreline retention structures that harden the shoreline.
15. Prohibit the installation and use of petroleum pumps on docks.
16. Prohibit asphalt and concrete paving within 100 feet of the Ordinary High Water Mark.
17. Constrain “retaining walls” to small, 2 or 3 foot-high structures for the purposes of stabilizing paths to the shore on steep slopes. Retaining walls shall adhere to side setbacks so that they do not encroach upon adjacent properties and are not used for purposes of retaining a flat area of shoreland, retaining a viewing deck, or retaining any other structure.
18. Revise the Shoreland Protection Committee and Waterfront Development Review section 3.14(8)(D) to apply to conforming and nonconforming waterfront properties alike; simplify the “triggering actions” by defining them as any modification of an existing structure that changes the dimensions and any new construction of any structure on a waterfront lot, to trigger a full Site Plan Review as in 5.03.3 by the Planning Commission with input from the Shoreland Protection Subcommittee; change the review process for addition or modification of walkways, retaining walls and patios/decks within 100 feet of the Ordinary High Water Mark to Planning Commission review with subcommittee input.
19. Include a setback on wetlands similar to setback to lakes and streams. (See Tip of the Mitt’s Gaps Analysis 2016 recommendation)
20. Require that septic systems be 100 feet back from OHWM of lakes, streams, and wetlands.
21. Establish that a “point of transfer” inspection requirement whereby septic systems on waterfront lots must be inspected and repaired/replaced to ensure they are operating properly before ownership is transferred. (See Tip of the Mitt’s Gap Analysis 2016 recommendation). Consider this requirement for any property in the Township, because so many parcels are near wetlands, creeks and streams.
22. Definitions Section in 2.0: We recommend the following definitions in the definitions section of the Zoning Ordinance:

a. ADD: **“Bottomlands”** — The land area of an inland lake or stream that lies below the ordinary high-water mark and that may or may not be covered by water. (State’s definition. See MCL 324.30101(a).)

b. ADD: **“Disturb”** — *Land disturbing activity* means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation. The term shall not include excavation where excavation is prohibited specified by this ordinance.

c. ADD: **“Native Plants”** — Native plants are as defined by the Michigan Natural Shoreline Partnership.

d. ADD: **“Retaining walls”** — Small, at most 3-foot high structures made of natural materials for the purpose of stabilizing walkways to the shore on steep slopes. Retaining walls shall adhere to side setbacks so that they do not encroach on adjacent properties. Retaining walls shall not be used for retaining the shoreline, retaining a viewing deck, or retaining any other structure.

e. ADD: **“Undisturbed”** — Undisturbed means no construction, no earth-moving activities, no storage of materials, no tree, shrub or ground cover removal and no mowing. (Source: Protecting Michigan’s Lakes and Streams: A Guide for Local Governments.”

f. ADD: **“Uplands”** — The land area of an inland lake or stream that lies above the ordinary high-water mark.

g. ADD: **“Wetlands”** — A land or water feature, commonly referred to as a bog, swamp, or marsh, inundated or saturated by water at a frequency and duration sufficient to support, and that under normal circumstances does support, hydric soils and a predominance of wetland vegetation or aquatic life. A land or water feature is not a wetland unless it meets any of the following:

- (1) Is a water of the United States as that term is used in section 502(7) of the federal water pollution control act, 33 USC 1362.
- (2) Is contiguous to Lake Michigan, an inland lake or pond, or a stream.
- (3) Is more than 5 acres in size.
- (4) Has the documented presence of an endangered or threatened species under part 365 or the endangered species act of 1973, Public Law 93-205.
- (5) Is a rare and imperiled wetland. (Adapted from MCL 324.30301(n)).

h. RETAIN: **“Erected”**

i. RETAIN: **“Natural State”**

j. RETAIN: **“Shoreland Protection Strip.”** Strengthen by adding back in “shall remain in the natural state.”

k. RETAIN: **“Structure”**

Do not make exceptions to “structures” in the definition section. The proposed new definition would allow all sorts of structures in the Shoreland Protection Strip, such as fences, etc. The only types of structures allowed in the Shoreland Protection Strip

should be the four listed now, with the clarification we recommend on confining “retaining walls” to 3 foot high for purposes of walkways.

I. REVISE: **Ordinary High Water Mark** — The line between upland and bottomland that 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 the vegetation. On Lake Charlevoix **and Lake Michigan**, the ordinary high water mark shall be the legally established lake level of 582.3 feet IGLD 1985, and on Lake Michigan the ordinary high water mark shall be the legally established lake level of 581.5 feet IGLD 1985. **The ordinary high water mark is the line between upland and bottomland at the locations of land at elevation 581.5 feet IGLD 1985 at any human-caused alteration to the natural shoreline that converted uplands to bottomlands.**

[Strike-out indicates existing language, boldface indicates new language. The ordinance would not contain the boldface or strikeouts].

Article I: Purpose and Authority

Preamble

An Ordinance to establish zoning districts in the unincorporated portion of Hayes Township, Charlevoix County, Michigan, and to provide for the regulation, government, and administration thereof, in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

The Township of Hayes ordains:

Article I: Short Title and Purpose

SECTION 1.01 - TITLE

This Ordinance shall be known as the "Hayes Township Zoning Ordinance", and will be referred to herein as "this Ordinance".

SECTION 1.02 - PURPOSE

The purpose of this Ordinance is to:

- A. Promote the public health, safety and general welfare;
- B. Encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land;
- C. Control sprawl and maintain rural character;
- D. Control congestion on the public roads;
- E. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties;
- F. Consider the character of each district, its suitability for particular uses, the existing property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 1.03 – AUTHORITY

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

SECTION 1.04 – VALIDITY

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

SECTION 1.05 – REPEAL

The prior Hayes Township Zoning Ordinance, adopted by the Hayes Township Board, and effective on July 1, 1974 and all amendments thereto are hereby repealed in their entirety.

SECTION 1.06 – SAVINGS

The repeal of the prior Hayes Township Zoning Ordinance, as provided in Section 1.05 of this Ordinance, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder or actions involving any provisions of the zoning ordinance or parts thereof. The prior Hayes Township Zoning Ordinance repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines penalties, forfeitures, liabilities and actions therefor.

SECTION 1.07 - JURISDICTION

This ordinance shall apply to the land, buildings, yards, wetlands, woodlands and shoreline within the township, including riparian lands and bottomlands of Lake Charlevoix and Susan Lake, 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.

**HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
OCTOBER 2023**

Issued zoning permit for a 40' X 60' Storage Unit at 11725 North Star Drive.

Issued zoning permit for 100' of 6' high privacy fence at 05131 Maple Grove Road.

Issued zoning permit for a new single family residence with attached garage at 05936 Undine Road.

Issued zoning permit for a 26' x 34.5' accessory structure at 10989 Townline Road.

Met with owner following second complaint letter for building on the property line without permit on Shrigley Road to answer questions about complaint.

More than normal calls/questions concerning real estate transactions and general zoning questions.

HAYES TOWNSHIP PLANNING COMMISSION

Meeting Date:	OCTOBER 17, 2023
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Location:

Hayes Township Hall

[illegible]

