

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION
January 16, 2024 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- December 12, 2023, January 6, 2024 and January 13, 2024
6. Public Comment
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 – Public Hearing on Hayes Township Recreation Master Plan
Review Public comment structure
2023 annual report
11. Old Business
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next PC Meeting- February 20, 2024
14. Planning Commission Comment
15. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity 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 a clarifying question, 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.
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, Mark Snyder 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, Mark Snyder, 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

October 17th, 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)

Audience: Deb Narten, Danielle Hutchenson, Doug Kuebler, Diane McMahon, Jim McMahon, LuAnne Kozma, Ellis Boal, Winnie Boal, Janet Simon, Mel Narten, Michael Hutchenson, Carole Melvin, Tim Boyko, Shelly VanWart and Wyatt Melvin.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

Ms. Morehead made a motion, supported by Mr. Greenslade, to approve the meeting adjourning no later than 9:00 pm.

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

Nays: none **Motion Carries**

Mr. Snyder made a motion, supported by Ms. Morehead, to approve the agenda as amended.

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES SEPTEMBER 19th, 2023 REGULAR MEETING

Mr. Martin made a motion, supported by Ms. Morehead, to approve the September 19TH, 2023, regular meeting minutes as corrected.

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

Nays: none **Motion Carries**

Hayes Township Planning Commission
December 12th, 2023
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Vice Chairperson Derek Burnett called the meeting to order at 7:00 p.m.

Members present: Derek Burnett, CT Martin, Marilyn Morehead, Rex Greenslade, Mark Snyder, and Matt Cunningham.

Excused: Roy Griffitts (Chair)

Also, present: April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Zoning Administrator) and Julie Collard (Parks and Rec Chair)

Audience: Melvin Czechowski, LuAnne Kozma, Ellis Boal, Jim McMahon, Marilyn Anderson, Joni Hosler, Betty Henne, Dianne McMahon, Carol Umlor, Janet Simon, Shelly VanWart and Tim Boyko.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

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

Yeas: Matt Cunningham, Rex Greenslade, Mark Snyder, Derek Burnett, CT Martin, and Marilyn Morehead

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES NOVEMBER 21ST, 2023 REGULAR MEETING

Ms. Morehead made a motion, supported by Mr. Greenslade, to approve the November 21ST, 2023, regular meeting minutes as corrected.

Yeas: Derek Burnett, CT Martin, Matt Cunningham, Rex Greenslade, Mark Snyder, and Marilyn Morehead.

Nays: none **Motion Carries**

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:06 pm.

Hayes Township Planning Commission
December 12th, 2023
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

Comments included:

- Disappointed to only have one public comment. Concern of the process for rewriting the Parks and Rec Master Plan. Would like to know if Beckett and Raeder were involved in the rewrite.
- Supports community input. Asked when the public will be able to view the Parks and Rec Master Plan rewrite draft. Suggest the commissioners take their time when approving any changes to the master plan.
- Supports two public comment periods during the meetings.
- Merry Christmas!!
- Suggested more description on agenda items. Asked if Beckett and Raeder had any involvement in the survey or the Parks and Rec Master Plan rewrite.

Public comments closed at 7:15pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting January 8th, 2024, at 7:00pm.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

NA

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

New Business:

PRESENTATION BY PARKS AND REC COMMITTEE CHAIR:

Ms. Collard presented the Planning Commission with copies of the Parks and Rec Master Plan Rewrite Draft for them to review. Ms. Collard requested the Planning Commission set a Public Hearing date for January 16th, 2024, to discuss approving the Parks and Rec Master Plan Rewrite Draft.

Ms. Morehead made a motion, supported by Mr. Martin, to approve a public hearing on January 16th, 2024, for the Parks and Rec Master Plan Rewrite Presentation.

Yeas: Derek Burnett, CT Martin, Matt Cunningham, Rex Greenslade, Mark Snyder, and Marilyn Morehead.

Nays: none **Motion Carries**

Hayes Township Planning Commission
December 12th, 2023
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

ANNUAL ORGANIZATIONAL MEETING:

Mr. Greenslade made a motion, supported by Mr. Martin to approve the Hayes Township 2024 Planning Commission meeting dates as amended.

Yeas: Derek Burnett, CT Martin, Matt Cunningham, Rex Greenslade, Mark Snyder, and Marilyn Morehead.

Nays: none **Motion Carries**

Mr. Burnett made a motion, supported by Ms. Morehead to open nominations.

Yeas: Derek Burnett, CT Martin, Matt Cunningham, Rex Greenslade, Mark Snyder, and Marilyn Morehead.

Nays: none **Motion Carries**

Ms. Morehead made a motion, supported by Mr. Martin to nominate Roy Griffiths as Chair to the Planning Commission.

Yeas: Derek Burnett, CT Martin, Matt Cunningham, Rex Greenslade, Mark Snyder, and Marilyn Morehead.

Nays: none **Motion Carries**

Mr. Martin made a motion, supported by Mr. Greenslade to nominate Mark Snyder as Vice Chair to the Planning Commission.

Yeas: Derek Burnett, CT Martin, Matt Cunningham, Rex Greenslade, Mark Snyder, and Marilyn Morehead.

Nays: none **Motion Carries**

Mr. Burnett made a motion, supported by Mr. Martin to close nominations.

Yeas: Derek Burnett, CT Martin, Matt Cunningham, Rex Greenslade, Mark Snyder, and Marilyn Morehead.

Nays: none **Motion Carries**

Old Business:

SET/CONFIRM PUBLIC HEARING DATES:

Next Public Hearing date is set for January 16th, 2024.

Hayes Township Planning Commission
December 12th, 2023
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

SET/CONFIRM DATE OF NEXT PC MEETING – JANUARY 16th, 2024.

Next Planning Commission regular meeting will take place on January 16th, 2024, at 7:00 pm.

PLANNING COMMISSION COMMENT:

- Mr. Martin is looking forward to the public hearing for the Parks and Rec Master Plan Rewrite. Also, would like to schedule some Saturday workshops for rewriting the Zoning Ordinance draft.
- Mr. Greenslade suggested for the members to decide on a solution for the second comment period at the next planning Commission meeting.
- Mr. Snyder will provide his email for correspondence.
-

ADJOURNMENT: Ms. Morehead made a motion, supported by Mr. Snyder, to adjourn the meeting at 7:55 pm.

Yeas: Marilyn Morehead, Rex Greenslade, Mark Snyder, Derek Burnett, CT Martin and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary

Hayes Township Planning Commission
January 6th, 2023
Special Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Vice Chairperson Roy Griffiths called the meeting to order at 8:45 a.m.

Members present: Roy Griffiths, Derek Burnett, CT Martin, Marilyn Morehead, Rex Greenslade, and Mark Snyder.

Excused: Matt Cunningham.

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

Audience: Jim McMahon, Kim Fary, Pat Fary, Ellis Boal, LuAnne Kozma, Darry Phelps, Janet Simon, and Carol Umlor.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

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

Yeas: Roy Griffiths, Rex Greenslade, Mark Snyder, Derek Burnett, CT Martin, and Marilyn Morehead

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 8:48 pm.

Comments included:

- Stated they would have liked more notice about the special meeting.
- Supported the previous comment, that residents feel the township should give residents more notice for a special meeting.
- Supports the previous two comments.
- Stated their opinion of the changes the Planning Commission have discussed in the past regarding the zoning ordinance are not in the best interest of the township.

Public comments closed at 8:57pm

Hayes Township Planning Commission
January 6th, 2023
Special Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CONTINUE WORK ON THE ZONING ORDINANCE EDITS:

- Planning Commission discussed Renewable Energy and what roles the State of Michigan and Township will have in approvals and denials. i.e. large utility companies who meet the states renewable energy commitment have permission per state, townships have some say however States can override.
- The board came to a consensus to incorporate Marilyn's suggestions into the various zoning districts.
- Marilyn will research right of property and/or special use permits per each district.
- Mr. VanZee suggested for Ag/RR that the zoning ordinance use more restrictive guidelines of uses by right/ uses by special use permit.
- Mr. VanZee state the Township needs to plan and manage development, way back it was little cabins on lakes built on large lots, the trend now is larger home on smaller lot. We need to plan and protect.
- On multi-generational properties larger than 10 acres but smaller than 20 acres, families would like to split/develop within family- the PC needs to avoid spot zoning in these cases.
- Mr. VanZee will work with Equalization to receive a map of the waterfront area to determine how to measure lot size.
- The board came to a consensus to add the Shoreline Protection Strip in each district.
- The Board came to a census the statement regarding Renewable Energy in each district.
- The board came to consensus to create a subdistrict to residential for Small Lot Residential as well as Mixed Use Residential (Neighborhood Commercial 4.10)
- PC discussed adding verbiage to not allow cement batch plants within the Township. Mr. VanZee will speak with attorney. This may allow to use Light Industrial as a district.

Mr. Griffiths made a motion, supported by Mr. Greenslade to hold a special meeting/ Work session for Saturday, January 13th at 8:45 am to continue discussion on the Zoning Ordinance Draft.

Yeas: Roy Griffiths, Marilyn Morehead, Rex Greenslade, Mark Snyder, Derek Burnett and CT Martin.

Nays: none **Motion Carries**

Hayes Township Planning Commission
January 6th, 2023
Special Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

PLANNING COMMISSION COMMENT:

- Mr. Martin will provide the definition the Advisory Committee came up with for Light Industrial.

ADJOURNMENT: Mr. Martin made a motion, supported by Ms. Morehead, to adjourn the meeting at 10:42 pm.

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

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary

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Public Notices

**NOTICE TO CREDITORS
IN THE MATTER OF Leon
A Woodruff, Jr.**

TO ALL CREDITORS: *
NOTICE TO CREDITORS:
The decedent, Leon A
Woodruff Jr, who lived at 495
Arbor, Harbor Springs, MI
49740
Died October 25th 2023

You are hereby notified that

Tonya Smith is handling the
final accounts. Creditors of
the decedent are notified that
all claims against the de-
cedent will forever be barred
unless presented to Tonya
Smith within 5 months after
the publication date of this
notice.
Dated: 11/29/2023

Tonya Smith
6119 Hart Gln
San Antonio, TX 78249

Public Notice:

Hayes Township
2024-2029 Recreation Plan

The Hayes Township Planning Commission will hold a public
hearing on January 16, 2024, at the Hayes Township Hall,
located at 09195 Major Douglas Sloan Rd, Charlevoix, 49720,
at 7pm. The purpose of this hearing is to accept comments on
the Draft Hayes Township Recreation Plan 2024-2029. A copy
of the plan is available for review at the Hayes Township
Hall as well as on the website at hayestownshipmi.gov. The
purpose of this plan is to guide the efforts of Hayes Township
in making investments in and providing recreation facilities
into the future with particular emphasis on the time period
between 2024 and 2029. Comments may be submitted in writ-
ing by mail to Hayes Township Planning Commission at the
Hayes Township Hall, or by email to
clerk@hayestownshipmi.gov prior to the hearing or be
presented at the public hearing. Verbal comments will be
accepted at the hearing.

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LOCALiQ

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PO Box 630491 Cincinnati, OH 45263-0491

PROOF OF PUBLICATION

Hayes Township
Hayes Township
9195 Major Douglas Sloan RD
Charlevoix MI 49720-9053

STATE OF MICHIGAN, COUNTY OF EMMET, COUNTY OF
CHARLEVOIX

The Petoskey News Review, a newspaper printed and published in
the counties of Emmet and Charlevoix, in the State of Michigan,
and personal knowledge of the facts herein state and that the
notice hereto annexed was Published in said newspaper in the
issue dated:

12/16/2023

and that the fees charged are legal.
Sworn to and subscribed before on 12/16/2023

Public Notice:

Hayes Township
2024-2029 Recreation Plan

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Hayes Township Hall, or by email to
clerk@hayestownshipmi.gov prior to the hearing or be
presented at the public hearing. Verbal comments will be
accepted at the hearing.

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$88.96

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KAITLYN FELTY
Notary Public
State of Wisconsin

2023 Hayes Township Planning Commission Annual Report

2023, was a year dominated by work on updating and editing the Zoning Ordinance as a whole. The PC met 14 times in regular and special meetings formats. Two new members joined the Commission and underwent training. The disruption of progress occurred by the emergence of an issue raised on the Reith-Reilly green pit which impeded discussion and unfortunately slowed progress on many levels. The issues raised in the green pit issue led to the creation an advisory group to provide feedback on future land uses in.

The beginning of the year was marked by presentations from northwestmihabitat.org, the Land Information Access Association. Tip of the Mitt and the Lake Charlevoix Association. These presentations provided information on workforce housing needs and the development of countywide survey of lake Charlevoix shoreline ordinances. The follow-up presentation by the waterfront study group was well done and presented information to be used in the continuing work on the ordinance edits.

The PC to continued worked through the draft during the course of the year. Some delays have been incurred in the progress on the Master Plan due to another yet lawsuit, this one focusing on the consent agreement which governs the use of the green pit. The zoning ordinance draft review by the PC is anticipated to be completed in 2024 and sent back to the consultant for further refinement before coming back to the PC and issued for public feedback.

In addition to working on the ordinance we conducted the regular business of the PC including holding public hearings on rezoning's, special use permits, property divisions and preliminary project discussions.

Plans for 2024 include finalizing the Zoning Ordinance update, reviewing an updating the Master Plan as needed, and further work in the effort to increase housing options in our community.



Parks and Recreation Master Plan Feedback

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Thu, Jan 11, 2024 at 12:07 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, Derek Burnett <burnett.pc@outlook.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Rex Greenslade <greensladerex@gmail.com>, Marilyn Morehead <morehead.m@gmail.com>, "C. T. Martin" <ctmagnetics@aol.com>, "hayestownshippr@gmail.com" <hayestownshippr@gmail.com>, Kristin Baranski <clerk@hayestownshipmi.gov>
Cc: "hayestownshippr@gmail.com" <hayestownshippr@gmail.com>

Dear Planning Commission members,

The Parks and Recreation Master Plan has lots of positive township information and has colorful imaginary, photos, and diagrams. I believe the plan would be more complete with development in two specific areas:

1. The survey was not mailed to each household and property owner. The mailing of a hardcopy survey provides ease of use and assurance that 100% of township households and property owners would be reached. To my understanding, the survey was only available online.

A potential survey respondent needed to know where the survey was located online and to have internet access. For most township property owners and residents, accessing or reading township website information is not high on their personal to-do list. This online approach makes the survey into a chore for most people. Were the survey questions professionally designed, unbiased, and administered?

2. This document does not provide a proposed plan for implementation. There is no list of proposed development priorities in priority sequence.

For example, one of the 1st responsibilities of the township is to protect its assets. Some township waterfronts are under threat of erosion. Protecting the Camp Sea-Gull shoreline using a natural, non-hardened, methodology would be more important than installing a \$350,000 pickle-ball court. Additionally, the most important feature of Camp Sea-Gull is the waterfront. All features at this waterfront park should be supportive of waterfront-related activities.

Many people come to Camp Sea-Gull for relaxation and relative quiet in the late afternoon. Could there be more appropriate places in the township than a waterfront park, with its beautiful vistas and its relative-quiet atmosphere, to locate a pickle-ball court? Please consider locations such as the property adjacent to the township hall for the pickle-ball court?

Recommendations:

1. Re-execute the survey using a township-wide methodology with proven, professional, survey methods to ensure all residents and property owners are reached. A professionally drafted and executed survey would better guarantee broader and unbiased responses.
2. Using a professionally-administered survey, create a vision for the entire township and for all of its parks. Additionally, Camp Sea-Gull requires a general timeline (Gantt chart) for future development.

Thank you for this opportunity to provide constructive feedback.

Jim McMahon
phone: 231-347-9829

Article V

Zoning Districts and Maps (01/2022-2/2022)

Preliminary Draft

5.01 Purpose

TBD

5.02 Zoning Map

TBD

5.03 Interpretation of Zoning District Boundaries

TBD

5.04 Lot Area, Lot Width, and Setback Requirements

TBD/Morehead insert/Van Zee suggestion: in combined areas -go with most restrictive by right as well as by Special Use Permit; (Small lot residential) (Low density on waterfront and keep 2 overlay districts as current) (Also current ordinance states that measured from center of lot-halfway between front lot line and rear lot line; continue? Changes would create several legal non-conforming; waterfront lots; could create narrow waterfrontage; want to prepare for large undeveloped waterfront lots that still exists in township; 100 ft from water and then 200 feet across; VanZee will check with Equalization; Stmt: The intent of purpose is limit the opportunity for smaller waterfront dimensions on Lake Charlevoix, Lake Michigan and Suan Lake so that the Township has a minimum waterfront width TBD upon receipt of map from Equalization

5.05 Lot Area, Lot Width, and Setback Illustrations

TBD

5.06 Classification of Zoning Districts

A. Zoning Districts

For the purpose of this Ordinance, the following Zoning Districts shall be established in Hayes Township.

CR	Conservation Reserve
ARR	Agricultural and Rural Residential
R-1	Residential
MR	Multiple Family Residential
MHP	Mobile Home Park
C1	Commercial
I1	Industrial

B. Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Hayes Township Zoning Map, Charlevoix County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

C. Boundaries of Districts

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Charlevoix County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk. Where uncertainty exists as the exact district boundaries, the following shall prevail:

- A. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines of the said streets, alleys, or highways shall be considered to be exact boundary lines.
- B. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
- C. Where the application of the above rules leaves a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

D. Zoning of Vacated Lands

Whenever any street, alley, highway, or other public right-of-way within the Township has been abandoned by official government action, such right-of-way lands attach to and become part of the land adjoining. Such right-of-way lands property shall automatically acquire and be subject to the provisions of the Zoning District of abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

E. Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of

Environmental Quality and U.S. Army Corp of Engineers, as required. **Refer to Waterfront Section and add statement to clarify.**

F. Zoning District Changes

When district boundaries change, any non-conforming use may continue subject to all other applicable provisions of this Ordinance.

Section 5.07 Conservation Reserve District (CR)

The following provisions shall apply to the Conservation Reserve District (CR).

A. Intent

The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, topographic and forest resources of the Township particularly adapted to recreational and forest uses. The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments. If properly integrated, the inclusion of such uses is provided for by special approval by the **Zoning Administrator**.

B. Permitted Uses

1. Parks, playgrounds, recreational areas and community centers
2. Conservation areas for fauna and flora
3. Accessory buildings and uses customarily incidental to the above permitted uses

C. Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **SECTION XXXXXXXX** *Uses Subject to Special Use Permit* and the applicable portions of **ARTICLE XXXXXXXX** *Supplemental Site Development Standards*.

1. Docks and launched ramps
2. Recreational Camps
3. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of **Section XXXXXX** *Supplemental Site Development Standards*.
4. **Renewable Energy Developments, subject to the provisions of Section XXXX Supplemental Site Development Standards and deferring to State of Michigan Regulations TBD**
5. Accessory buildings and uses customarily incidental to the above special uses.
6. **Approval of a Shoreline Landscaping Plan to create or modify a Shoreline Protection Strip**

D. Dimensional Regulations

Structures and uses in the Conservation Reserve District are subject to the area, height, bulk and placement requirements in **Section XXXX** Schedule of Regulations.

Section 5.08 Agricultural/Rural Residential (AG/ARR)

The following provisions shall apply to the Agricultural / Rural Residential (AG/ARR).

1. Intent

The Agricultural/Rural Residential is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The primary intent of the District is to hold the rural Township areas for agricultural and forestry purposes and to allow some multiple uses of marginal farm-forest lands. Residential uses are considered secondary in Agricultural, the minimum lot size for Agricultural Zoning is 5 acres, however given the rural nature of areas of the township, some 2 acre lots are allowed subject to the uses allowed by right in the R-1 Zoning District where the creation of these lots does not fragment the larger AG areas.

It is the intent of the AG district is to provide for a variety of comparatively low-density residential lifestyles in a manner which preserves open spaces and natural resources of the Township and the Township's rural character. **In parcels 5 or less acres, the more restrictive requirements of the uses by right and the permitted special uses.** These smaller parcels for residential purposes require a minimum of 2 acres and are intended to preserve open space for agricultural uses. The expanses of open spaces and natural resources, including woodlands, wetlands, hillsides, fields, and farmland comprise the fundamental rural character of the Township which residents wish to protect for future generations. This designation includes limited existing farms and it is not the intent of this designation to encourage the conversion of these agricultural lands to more intensive land uses, but to provide opportunities for residential development in a manner more compatible with the continuation of agricultural activities than traditionally provided for. However, neither is it the intent of this designation to encourage the establishment of more intensive agricultural uses, such as confined livestock operations, which are incompatible with residential use of adjoining lands. Permitted land uses within this district are established based upon, in part, the limited public services available and accompanying natural constraints. The Rural Residential designation is intended to implement, in part, the Rural Residential portion of the Future Land Use Plan in the Hayes Township Master Plan.

2. Permitted Uses **Ron will designated for 5 acres or less**

- A. Single family dwellings.
- B. Agricultural, including both general and specialized farming, tree farms and forestry.
- C. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.

- D. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section XXXXX** *Antenna Co-location on an Existing Tower or Structure*.
- E. Home occupations conducted completely inside the residence, subject to the provisions of **Section XXXXX** *Home Businesses*.
- F. Accessory buildings and uses customarily incidental to the above permitted uses.
- G. Accessory Dwelling Units.
- H. Agricultural warehouses and non-animal agricultural processing plants.
- I. Plant nurseries and greenhouses.

Uses Subject to Special Uses Permit **Ron will designated for 5 acres or less**

- A. Bed and breakfast facilities.
- B. **Planned Unit Development** (Open Space Preservation Option), subject to the provisions of **Section XXXX** *Supplemental Site Development Standards*
- C. Public buildings and facilities.
- D. Places of worship and related religious buildings.
- E. Cemeteries.
- F. Golf courses and country clubs.
- G. Public and private campgrounds.
- H. Private airports and landing strips.
- I. Fire control structures.
- J. Kennels, veterinary clinics and animal hospitals.
- K. Non-domestic furbearing animals when confined in cages not less than two hundred (200) feet from property line.
- L. Planned Unit Developments.
- M. Additional farm employee dwellings, provided the property is at least 20 acres in size. The additional dwellings must be sited such that the property could be split in the future with all setbacks met for parcels created.
- N. Migratory labor dwellings, provided the property is at least 20 acres in size and subject to the provisions of **Section XXXXX** *Supplemental Site Development Standards*.
- O. Forest product processing and sales.
- P. Sand and gravel excavation, subject to the provisions of **Section XXXX** *Supplemental Site Development Standards*.
- Q. **Renewable Energy Developments**, subject to the provisions of **Section XXXX** *Supplemental Site Development Standards* and deferring to State of Michigan Regulations TBD
- R. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section XXXX** *Home Businesses*.
- S. Accessory buildings and uses customarily incidental to the above special approved uses.
- T. Special events.
- U. **Approval of a Shoreline Landscaping Plan to create or modify a Shoreline Protection Strip**

3. Dimensional Regulations

Structures and uses in the Agricultural and Rural Residential (ARR) District are subject to the area, height, bulk and placement requirements in Article 5 *Schedule of Regulations*.

Section 5.09 Residential District (R-1)

The following provisions shall apply to the minimum ½ acre lot, subject to Health Department and other Ordinance Regulations. **Need to separate low density and small lot residential or add a sub category**

1. Intent

The Residential District is designed to accommodate and encourage single family residential development and associated uses, in keeping with the residential goals and policies specified in the Hayes Township Master Plan. The permitted uses are intended to provide for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

2. Permitted Uses

- A. Single family dwellings.
- B. Parks, playgrounds, recreational areas and community centers.
- C. Home occupations conducted completely inside the residence, subject to the provisions of **Section XXXXXX Home Businesses**.
- D. Accessory buildings and uses customarily incidental to the above permitted uses.
- E. Accessory Dwelling Units subject to **Health Department approval for well and septic and zoning ordinance requirements**.

3. Uses Subject to Special Use Permit

- A. Planned Unit Development (Open Space Preservation Option), subject to the provisions of **Section XXXXXX Supplemental Site Development Standards**.
- B. Public buildings and facilities.
- C. Places of worship and related religious buildings.
- D. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section XXXXXX Home Businesses**.
- E. Multiple family dwellings greater in number than an ADU are subject to special conditions in Sec XXX
- F. **Renewable Energy Developments, subject to the provisions of Section XXXX Supplemental Site Development Standards and deferring to State of Michigan Regulations TBD**
- G. **Approval of a Shoreline Landscaping Plan to create or modify a Shoreline Protection Strip**
- H. Accessory buildings and uses customarily incidental to the above special approval uses.

4. Dimensional Regulations

Structures and uses in the Residential District are subject to the area, height, bulk and placement requirements in **Section XXXXX Schedule of Regulations**

Section 5.10 Multiple Family District (MFR)

The following provisions shall apply to the Multiple Family District (MFR). **Include Neighborhood Commercial**

1. Intent

The Multiple Family District is designed to accommodate and encourage higher density residential development through a mix of residential structures and associated uses, including both one-family and multiple family dwelling structures, in keeping with the residential goals and objectives specified in the Hayes Township Master Plan. The uses permitted are intended to promote land uses for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

2. Permitted Uses

- A. Single family dwellings.
- B. Two family dwellings.
- C. Parks, playgrounds, recreational areas and community centers.
- D. Home occupations conducted completely inside the residence, subject to the provisions of **Section XXXXX Home Businesses**.
- E. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Public buildings and facilities.
- B. Places of worship and related religious buildings.
- C. Multiple family dwellings.
- D. Buildings with 3 or more units commercial criteria shall apply
- E. **Renewable Energy Developments, subject to the provisions of Section XXXX Supplemental Site Development Standards and deferring to State of Michigan Regulations TBD**
- F. **Approval of a Shoreline Landscaping Plan to create or modify a Shoreline Protection Strip**
- G. Accessory buildings and uses customarily incidental to the above special approval uses.

4. Dimensional Regulations

Structures and uses in the Multiple Family Residential District are subject to the area, height, bulk and placement requirements in **Section XXXXX Schedule of Regulations**. **Density increases with municipal or engineered system for water and sewer.**

Section 5.11 Mobile Home Park District (MHP)

The following provisions shall apply to the Mobile Home Park District (MHP).

1. Intent

The Mobile Home Park District is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses.

2. Permitted Uses

- A. Manufactured or mobile home developments.
- B. Parks, playgrounds, recreational areas and community centers.
- C. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section XXXXX Antenna Co-location on an Existing Tower or Structure**.
- D. Home occupations conducted completely inside the residence, subject to the provisions of **Section XXXXX Home Businesses**.
- E. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Public buildings and facilities.
- B. Places of worship and related religious buildings.
- C. **Renewable Energy Developments, subject to the provisions of Section XXXX Supplemental Site Development Standards and deferring to State of Michigan Regulations TBD**
- D. **Approval of a Shoreline Landscaping Plan to create or modify a Shoreline Protection Strip**
- E. Accessory buildings and uses customarily incidental to the above special approval uses.

4. Dimensional Regulations

Structures and uses in the Multiple Family Residential District are subject to the area, height, bulk and placement requirements in **Section XXXXX Schedule of Regulations**.

Section 5.12 Commercial District (CD)

If Township can prohibit cement batch plants, perhaps include Industrial in Commercial under Special Uses

The following provisions shall apply to the Commercial District (CD).

1. Intent

The intent of the Commercial District is to provide for retail, service and office development that offers a variety of goods and services to primarily address the needs of Township residents. Because of the variety of business types permitted in the Commercial District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining uses. Accordingly, it is the intent of this ordinance that commercial development be:

- Compatible in design with adjacent commercial development
- Buffered from or located away from residential areas and non-commercial uses in coordination with development on adjoining sites

2. Permitted Uses

- A. Public parks, playgrounds and recreational facilities.
- B. Multiple family dwellings.
- C. Restaurants and bars, except drive-through restaurants.
- D. Retail sales, within an enclosed building.
- E. Banks and financial services.
- F. Business and personal services.
- G. Professional offices.
- H. Funeral homes.
- I. Public utility buildings without storage yards.
- J. Public buildings and facilities.
- K. Civic, social and fraternal organizational facilities.
- L. Motels and resorts.
- M. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section XXXXX Antenna Co-location on an Existing Tower or Structure**.
- N. Home occupations conducted entirely inside the residence, subject to the provisions of **Section XXXX Home Businesses**.
- O. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Gasoline/Service Station.
- B. Any use permitted in the CD district with a drive-through window.
- C. Places of worship and related religious buildings.
- D. Child or adult daycare facilities serving more than six (6) clients.

- E. Group foster care facilities.
- F. Convalescent or nursing homes.
- G. Building material sales.
- H. Public campgrounds.
- I. Carpentry, plumbing and electrical sales, services and contracting offices.
- J. Machine shop.
- K. Car wash facilities, subject to the provisions of **Section XXXX Supplemental Site Development Standards**.
- L. Sale of motor vehicles.
- M. Outdoor sales facilities, **subject to Site Plan Review Approval**
- N. Warehouse and storage buildings, but not including commercial bulk storage of flammable liquid and gases.
- O. Transmission and communication towers, subject to the provisions of **Section XXXXX Supplemental Site Development Standards**.
- P. **Renewable Energy Developments, subject to the provisions of Section XXXX Supplemental Site Development Standards and deferring to State of Michigan Regulations TBD**
- Q. Sand and gravel extraction, subject to the provisions of **Section XXXXX Supplemental Site Development Standards**.
- R. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section XXXX Home Businesses**.
- S. Production, processing, assembly, manufacturing or packing of goods or materials. Such facilities may include testing, repair, storage, distribution and sale of such products. Facilities must meet regulatory agency guidelines.
- T. **Approval of a Shoreline Landscaping Plan to create or modify a Shoreline Protection Strip**
- U. Accessory buildings and uses customarily incidental to the above special approval uses.

4. Dimensional Regulations

Structures and uses in the Multiple Family Residential District are subject to the area, height, bulk and placement requirements in **Section XXXXX Schedule of Regulations**.

Section 5.13 **Light** Industrial (I-1)

The following provisions shall apply to the Industrial District (I-1).

1. Intent

It is the intent of the Industrial District to provide for a variety of manufacturing and industrial uses that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, excessive heavy truck traffic and similar characteristics. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. Such industrial areas should be free of incompatible uses, and designed to avoid negatively impacting

adjacent conforming uses. Public sewer or water is not available in this district and all future land uses and activities in this District shall provide for safe sewage disposal and potable water. **Accordingly, it is the intent of this ordinance that light industrial development be:**

- **Compatible in design with adjacent commercial development**
- **Buffered from or located away from residential areas and non-commercial uses in coordination with development on adjoining sites**

2. Permitted Uses

Renewable Energy Developments, subject to the provisions of Section XXXX Supplemental Site Development Standards and deferring to State of Michigan Regulations TBD

3. Uses Subject to a Special Use Permit

- A. Building material sales.
- B. Carpentry, plumbing and electrical sales, services and contracting offices.
- C. Machine shop.
- D. Warehouse and storage buildings, but not including commercial bulk storage of flammable liquid and gases.
- E. Production, processing, assembly, manufacturing or packaging of goods or materials. Such facilities may include testing, repair, storage, distribution and sale of such products. Facilities must meet regulatory agency guidelines.
- F. Junkyard and salvage material storage.
- G. Sand and gravel excavation, subject to the provisions of **Section XXXX Supplemental Site Development Standards**.
- H. Outdoor storage facilities, including self-storage facilities **upon Supplemental Site Plan Review**
- I. Sexually oriented businesses, subject to the provisions of **Section XXXX Supplemental Site Development Standards**.
- J. Sanitary landfill.
- K. Transmission and communication towers, subject to the provisions of **Section XXXX Supplemental Site Development Standards**.
- L. **Renewable Energy Developments, subject to the provisions of Section XXXX Supplemental Site Development Standards and deferring to State of Michigan Regulations TBD**
- M. **Approval of a Shoreline Landscaping Plan to create or modify a Shoreline Protection Strip**
- N. Accessory buildings and uses customarily incidental to above special approval uses.

4. Dimensional Regulations

Structures and uses in the Multiple Family Residential District are subject to the area, height, bulk and placement requirements in **Section XXXXX Schedule of Regulations**.

Mobile Home Park

The Mobile Home Park category is designated to specifically acknowledge the existing park and encourage the continuation of this land use in this location.

Mobile Home Park
The Mobile Home Park category is designated to specifically acknowledge the existing park and encourage the continuation of this land use in this location.

Commercial
Commercial category is designated to accommodate small to moderate scale commercial needs of the Township. This area exists in two locations: on US-31 just west of Bay Shore, and on the southside of US-31 near the Charlevoix Township line.

Commercial
Commercial category is designated to accommodate small to moderate scale commercial needs of the Township. This area exists in two locations: on US-31 just west of Bay Shore, and on the southside of US-31 near the Charlevoix Township line.

Light Industrial category is designated to accommodate light industrial uses compatible with the limited services available and the environmental sensitivity of much of the Township. Light industrial uses are typically less intensive than general or heavy industrial uses, and may include manufacturing and assembly, storage and distribution, research and development, and contractor establishments. Due to the availability of industrial property in the cities, where appropriate services are provided, Hayes Township believes the local industrial needs can be adequately met during the planning process without designating additional land for such in this Township.

Light Industrial category is designated to accommodate light industrial uses compatible with the limited services available and the environmental sensitivity of much of the Township. Light industrial uses are typically less intensive than general or heavy industrial uses, and may include manufacturing and assembly, storage and distribution, research and development, and contractor establishments. Due to the availability of industrial property in the cities, where appropriate services are provided, Hayes Township believes the local industrial needs can be adequately met during the planning process without designating additional land for such in this Township.

The Future Land Use Map on the previous page illustrates the geographic extent of the future land use categories. The Future

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