

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION
May 21, 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- April 16, 2024 and May 6, 2024
6. Public Comment (3 minute)
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
 - 2024/2025 Planning Commission Budget
 - Consider adding Mixed Use Residential/Neighborhood Commercial to Zoning Ordinance draft
 - Review Zoning Ordinance draft section on the Waterfront, as a category of Special Use Permit and Waterfront Specific Site Plan Review criteria with Waterfront Supplemental Site Development Standards
11. Old Business
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- June 18, 2024.
14. Public Comment (1 minute)
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 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. For the first Public Comment period, 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. For the second Public Comment session speakers are limited to 1 minute each.
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
April 16th, 2024
Regular Meeting
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CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

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

Excused: Derek Burnett

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

Audience: Kevin Willis, LuAnne Kozma, and Ellis Boal.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

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

Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, Rex Greenslade and Marilyn Morehead.

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

Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, Rex Greenslade, and Marilyn Morehead.

DECLARATIONS OF CONFLICTS OF INTERESTS:

Rex Greenslade declared a conflict of interest with New Business item Review Shoreline Landscape Plan 08045 Mulberry Lane.

APPROVAL OF MINUTES MARCH 12TH, 2024 REGULAR MEETING

Ms. Morehead made a motion, supported by Mr. Cunningham, to approve the March 12TH, 2024, regular meeting minutes as amended.

Yeas: Matt Cunningham, Mark Snyder, Roy Griffiths, Rex Greenslade and Marilyn Morehead.

Nays: none **Motion Carries**

PUBLIC COMMENTS:

Public comments opened at 7:04 pm.

Comments included:

- Comments Attached.
- Stated they received a letter from the Laws Lawyer and have finalized their Lawsuit with them.

Public comments closed at 7:08 pm

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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting May 13th, 2024, at 7:00pm.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

N/A

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

New Business:

ASSESSOR PRESENTATION VIA ZOOM:

Alisa presented the Assessor report including a brief explanation of the difference between Zoning Classification of a property and Assessing Classification of a property.

REVIEW SHORELINE LANDSCAPE PLAN 08045 MULBERRY LANE:

Ms. Morehead made a motion, supported by Mr. Cunningham, to approve the removal of the following items from the Site Plan Review.

5.03.3 items K, M, N, O, P

5.03.4 items B, D, E, F,

503.5 items A (4,5,6,7,8,9,10,11)

Yeas: Mark Snyder, Roy Griffiths, Rex Greenslade, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

Mr. Cunningham made a motion, supported by Ms. Morehead to approve the Shoreland Landscape Plan for 08045 Mulberry Ln.

Yeas: Mark Snyder, Roy Griffiths, Rex Greenslade, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

REVIEW OF ZONING ORDINANCE EDITS ARTICLE X: ZONING BOARD OF APPEALS:

- Planning Commission will seek legal council for Section 10.03 Jurisdiction language and definition to make it consistent.
- Strike "Shoreland Landscaping Plans" from Section 10.03 Item #1.

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- Planning Commission will seek the Townships Lawyer's guidance for terminology for "substantial" in Section 10.07 item #3.

Old Business:

SET/CONFIRM PUBLIC HEARING DATES:

MS. Morehead made a motion, supported by Mr. Snyder to set a public hearing date for May 6th, 2024, for an SUP permit on US 31 North.

Yeas: Mark Snyder, Roy Griffiths, Rex Greenslade, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

SET/CONFIRM DATE OF NEXT PC MEETING –MAY 21st, 2024.

Next Planning Commission regular meeting will take place on May 21st, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 8:03

Comments Included:

- Stated they believe the ZBA can rule on an appeal from a landowner and a
 - Stated they support the previous comment. Stated their opinion of enforcement.
 - Asked for clarification on how many houses were being approved for the Mulberry Lane Parcel. Mr. Griffiths answered the Site Plan was for one house.
- Public Comment Closed at 8:07

PLANNING COMMISSION COMMENT:

- Ms. Morehead stated when building on Vacant land that has never been disturbed the Zoning Ordinance should state the Natural state of the land is sufficient for the Shoreland Restoration Plan.
- Mr. Griffiths stated he supports the previous statement and when the construction is outside the shoreline protection strip and the shoreline is being keep natural that is sufficient for the Shoreland Restoration Plan.
- Mr. Griffiths stated he appreciated the public input, however, would like everyone to understand there is a reason the Planning Commission will be following the guidance given from the Township Attorney.

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ADJOURNMENT: Mr. Martin made a motion, supported by Mr. Snyder, to adjourn the meeting
at 8:09 pm.

Yeas: Mark Snyder, Roy Griffiths, Rex Greenslade, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary

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

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

Excused: Derek Burnett and Rex Greenslade.

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

Audience: Luanne Kozma, Ellis Boal, Kevin Willis, Tim Boyko, Elliot Falls, Theresa Love, Jackson Love, Mark McCarol, Andrew Wilson, and Bill Conklin.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

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

Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, CT Martin, and Marilyn Morehead.

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS:

Public comments opened at 7:01 pm.

Comments included:

- Stated following the Zoning Ordinance is important and is there to avoid lawsuits. Made comments on last months Planning Commission meeting, and the decision made on the Site Plan Review.

Public comments closed at 7:06 pm

New Business:

PUBLIC HEARING:

Application by Dewitt Marine for a Special Use Permit to allow development and operation of a boat sales and service operation located at US 31 North, Tax ID 15-007-118-015-50 and 15-007-118-015-60.

Public Hearing opened at 7:06pm

Applicant presented the proposed plan for the three stages of the Special Use Permit. With a brief background of Dewitt Marine as a company.

Zoning Administrator presented the sections of the Zoning Ordinance that should be considered when looking at granting this Special Use Permit.

Public Comment Open at 7:16pm

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Comments included:

- Stated they support comments attached. Asked why display for boats have already been placed on parcel without a permit. Stated a large sign should not be allowed because the Rod and Gun Club was not allowed a larger sign.
- Support Dewitt Marine having a show room, only concerned about the land between the easement and road being used for display and is interested in hearing the discussion tonight.

Public Comment Closed at 7:21 pm

Planning Commission review the correspondence submitted before the meeting.

Correspondences are attached.

Public Hearing Closed at 7:29pm

Planning Commission discussed the proposed plan for the Special Use Permit.

Discussion included:

- Whether or not signs and/or display pads can be placed in the area between the Easement and road in the road right away zone.

Planning Commission reviewed the Standards for granting a Special Use permit.

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

YES

Compatibility with Adjacent Land Uses

- B. 1) The proposed use subject to a special use permit shall be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

YES

- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

YES

- 3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

C. Public Services

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.

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YES

- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

YES

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

YES

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

YES

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

YES

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 9.03** of this Ordinance.

H. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 9.06** of this Ordinance.

NO

Planning Commission performed a Plot Plan Review.

Section 5.02 - Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.

YES

2. The location, shape and size of all buildings or other structures to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale.

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In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to confirm the height of the proposed structures.

FIRST OF SEVERAL PHASES, ALL PHASES MUST CONFORM TO THE ZONING ORDINANCE.

3. The location and configuration of the lot access and driveway, drawn to scale.

YES

4. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

N/A

5. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

YES

Planning Commission reviewed all documents that were submitted for review.

1. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

- A. The name and address of the property owner. **YES**
- B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more. **YES**
- C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description. **YES**
- D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height. **YES**
- E. The location and width of all abutting rights-of-way, easements, and utility lines within or bordering the subject project. **YES**

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- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features. **YES, WETLANDS WILL BE DETERMINED BY STATE.**
- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names. **YES**
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels. **YES**
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls. **N/A**
- J. The location, size and slope of all surface and subsurface drainage facilities. **YES**
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information: **YES**
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less. **YES**
- M. Generalized soil analysis data, which may include data prepared by the Charlevoix County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils. **NOT REQUIRED.**
- N. All site plans shall comply with the terms of any applicable soil erosion sedimentation and stormwater runoff control ordinance. It shall be the applicant's responsibility to provide documentation of compliance with any applicable ordinance. **YES**
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses. **YES**
- P. The impact statement shall address the following as applicable to the type of use:
 - 1) A complete description of the proposed development including areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable. **YES**
 - 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development. **YES**
 - 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment. **YES**

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- O. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this ordinance has been submitted, the Zoning Administrator shall introduce the application at the next meeting and place on the agenda for the following regular meeting. **YES**
- P. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval. **YES**
 - 1) The Charlevoix County Planning Department
 - 2) The Charlevoix County Soil Erosion and Sedimentation Control Officer
 - 3) The Charlevoix County Drain Commissioner
 - 4) The Charlevoix County Road Commission and, if appropriate, the Michigan Department of Transportation
 - 5) District Health Department
 - 6) Local fire and ambulance service providers
- Q. For all waterfront development requiring a Shoreland Landscaping Plan, the Shoreland Protection Subcommittee of the Planning Commission will review the Shoreland Landscaping Plan in accordance with Section 3.14 prior to review by the planning commission. **N/A**
- R. Application fees as determined pursuant to **Section 9.05** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
- S. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals. **N/A**
- T. The applicant or his/her representative shall be present at each scheduled review or the matter may be tabled for a maximum of two consecutive meetings due to lack of representation, the application shall be designated as inactive and all fees forfeited.

Planning Commission performed a Site Plan Review.

1. Standards for Granting Site Plan Approval:

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

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- 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance. **YES**
- 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **YES**
- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. **YES**
- 4) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. **N/A**
- 5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **YES**
- 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **YES**
- 7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **YES**
- 8) Exterior lighting shall be arranged as follows:
 - a) It is deflected away from adjacent properties.
 - b) It does not impede the vision of traffic along adjacent streets.
 - c) It does not unnecessarily illuminate night skies. **YES**
- 9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way. **YES**
- 10) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications. **N/A**
- 11) Site plans shall conform to all applicable requirements of state and federal statutes and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **PHASE 2 AND 3 YES**

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- 48
49 B. The Planning Commission shall seek the recommendations of the Fire Chief,
50 the Charlevoix County Road Commission, the County Health Department,
51 and the Michigan Department of Natural Resources, where applicable. **YES**
52

53 Planning Commission set the following special conditions for the Special Use Permit:

- 54 - Signage must comply with the requirements of the Zoning Ordinance.
55 - Approval from all agencies required throughout the progression of each phase.
56

57 Mr. Snyder made a motion, supported by Mr. Martin to approve the application for Special Use
58 Permit with the special contingency that all necessary permits needed with each phase are
59 granted by the necessary agency to be compliant with the Zoning Ordinance. A roll call was
60 taken.

61 Yeas: Mark Snyder, CT Martin, Roy Griffiths, Marilyn Morehead, and Matt Cunningham.

62 Nays: none **Motion Carries**
63
64
65

66 **SET/CONFIRM DATE OF NEXT PC MEETING –MAY 21st, 2024.**

67 Next Planning Commission regular meeting will take place on May 21st, 2024, at 7:00 pm.
68

69 **PUBLIC COMMENT:**

70 Public Comment Opened at 8:43

71 Comments Included:

- 72 - Stated they feel the display of the boats is considered a use.
73 - Applicant stated they are hoping they improved the look and use of the property.
74 - Recommended the Planning Commission list agencies that will need to grant permit.
75 - Stated they feel confused between the right of way and easement set back differences.
76

Public Comment Closed at 8:51
77

78 **PLANNING COMMISSION COMMENT:**

79 Mr. Martin supports Dewitt Marine at this location.

80 Mr. Griffiths stated last Planning Commission meeting received a correspondence requesting
81 packets be available to the public sooner in order to formulate their comments. He stated the
82 public receives the packet information at the same time as the planning commission members.

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The public has the same amount of time as the planning commission members to research and study the packet materials.

ADJOURNMENT: Ms. Morehead made a motion, supported by Mr. Snyder, to adjourn the meeting at 8:51 pm.

Yeas: Mark Snyder, CT Martin, Roy Griffiths, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary



Zoning Administrator Report

May 2024

Zoning Administrator work in progress report for the month of April includes the following:

- Issued zoning permit for a solar array on roof at 8484 Green Sky Road.
- Met with landowner and sent out notices for public hearing for DeWitt Marine scheduled for May 6th, 2024.
- Issued zoning permit for a new Single-Family Residence at 7800 Dalton Road.
- Issued zoning permit for a 30'x 90' attached garage at 06094 Division Street.
- Received and reviewing application for a new home build on Ridgeland's Road.
- Issued zoning permit for a 23'10"x29'8" Deck expansion at 07585 9 Mile Point.
- Working with Charlevoix County Equalization on zoning map corrections.
- Issued zoning permit for a new single-family dwelling with attached garage at 08045 Mulberry Lane.
- Issued zoning permit for a 32'x40' Residential addition at 08142 upper Bayshore Road.
- Inspected a violation on Maple Grove Road concerning lighting and sent a notice letter.
- Issued zoning permit for a 30'x65' accessory structure attached to principal structure with breezeway at 10252 Boyne City Road.
- Conducted Inspections for Compliance.
- Issued zoning permit for Shoreland Improvement at 6605 Woods Creek Drive.
- Issued zoning permit for 34'x35 accessory structure with living area less than a dwelling 11875 N Pa Ba Shan Trail.
- Inspected a violation on Seneca Lane and sent first notice letter.
- Inspected a violation on Hyek Road and sent first notice letter.
- Sent second notice letter for a violation on Eagle Nest Circle.

2024/2025 Draft Planning Commission Draft Budget

General assumptions:

It is assumed that there will be a need to meet in work sessions on a variety of topics including the review and update of the township zoning ordinance and the start of the required update of the Master Plan. To that end we are increasing the total number of meetings to 16 if needed.

Accomplishing these tasks will require additional administrative support and production, publishing and printing costs. If the waterfront /SUP is adopted it will increase publishing costs, which may or may not be offset by fees.

Recording Secretary. 16 @ \$200/session		\$3200
Per diem	16 x 6 x 90	\$8640
	16 X 1 x \$135	\$2160
Total		\$10800
Office Supplies		\$1000
Education*		\$2000
Telephone		\$400
Publication/Printing		\$6000
Services **		\$25000
Total Budget submission		\$48400

*This includes one training session per member plus some additional for new member training and memberships/subscriptions.

**This is an estimate which may include some additional consulting work to complete the zoning ordinance, including diagram and associated charts and artwork (if needed). This also includes activity on the required Master Plan update. It is not based on any quotes or suggestions but is there as a place holder in case of unforeseen events.

Article IV

Waterfront Regulations

4.1 Intent

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

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

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

Commented [C3]: RV: NOT ACCESSORY STRUCTURE

4.2 Setback Area Regulations

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

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

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

Commented [C6]: RX: As above.

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

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

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

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

4.3 Shore land Protection Strip (SPS)

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

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

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

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

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

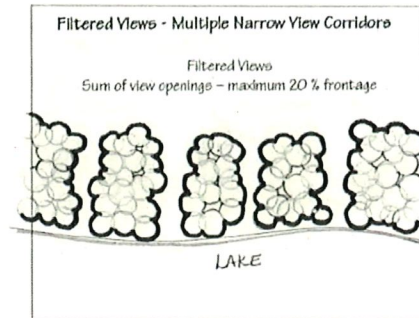
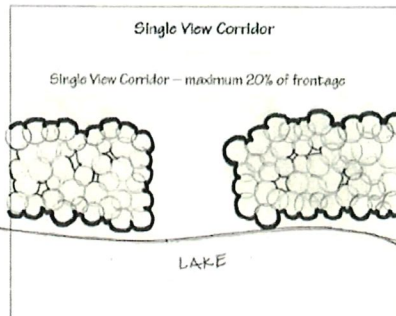
- B. The Shoreland Protection Strip (SPS) should/shall not be altered more than 20% except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in TBD, unless permitted as part of an approved shoreline landscaping plan or a permit from the Army Corps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

Commented [C12]: RX: Shall

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

Commented [C14]: RV: SHALL

- C. For any new construction or renovation of a structure located on a waterfront lot, the establishment, restoration and/or maintenance of a Shoreland Protection Strip (SPS) shall be required. Refer to Section 5.4, for details on the waterfront development approval process.
- Commented [C15]: RV: WITHIN 250FT OHWM
- Commented [C16]: RG: 4.4
- Commented [C17]: RX: is a channel a structure? Does the shoreland protection strip and its associated regulations preclude the excavation of a channel? The ZBA voted in majority that it did. Again, we need to discuss, make a discussion and incorporate that discussion into the text.
- D. Shoreline retaining structures shall be permitted with appropriate agency approvals. Any alterations of, or damage to, the SPS requires restoration as described in this ordinance.
- E. Walkways or stairs for water access shall be allowed, provided they:
- I. Do not exceed six (6) feet in width;
- II. Are constructed in such a way that stormwater is slowed;
- III. Permeable material required;
- IV. Are not constructed in such a way that they expand the deck beyond the two hundred (200) square foot maximum.
- Commented [C18]: RX: permeable material or construction required.
- Commented [C19]: RV: VISUALS
- F. The use of pesticides, herbicides and fertilizers is prohibited.
- Commented [C20]: MC: WHY DO WE CARE, AT BEST EX: 120 SQFT
- G. Leaves, grass clippings and similar yard/garden waste may not be burned or stored.
- Commented [C21]: RG: In the SPS
- H. No septic tanks or septic field filtration fields shall be located within the Shoreland Protection Strip.
- I. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on at least eighty percent (80%) of the lake or stream frontage within the Shoreland Protection Strip. Please refer to the list of recommended native species by the Northwest Michigan Invasive Species Network. The list of recommended native species is available at the Township Hall and an electronic link is posted on the Township website. If trees are removed, root systems should be left in place for shoreline stabilization whenever possible.
- Commented [C22]: RV: APPENDIX TO ORDINANCE
- Commented [C23]: RX: Shall be left in place for shoreline stabilization. (Delete "whenever possible").
- J. When trees are trimmed for vistas of the water, the tree must remain viable. Some examples of tree trimming or removal to provide vistas follow.
- Commented [C24]: RG: repetitive with K.



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

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

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

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

Commented [C26]: RG: 4.3

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

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

4.4 Waterfront Development Review

A. Intent

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

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

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

B. Shoreland Landscaping Plan

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

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

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

C. Shoreland Protection Subcommittee

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

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

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

Commented [C30]: RX: Agreed

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

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

Commented [C35]: RV: WITHIN 250 OHWM

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

Commented [C34]: RV: NONE CONFORMING?

Commented [C36]: RV: DECK 4.2A

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

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

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

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

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

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

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

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

6. Limitation of Funnel Development

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

7. Marine Sewage Pump-out Facility

Commented [C41]: RV: ?

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

8. Public Access Sites

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

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

Commented [C42]: RG: IV

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

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

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

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

DRAFT

Special Use Permit (Section TBD) Shoreland Landscaping Plans for SPS

The shoreland landscaping plans shall illustrate the following features and information, unless waived by the planning commission for good cause:

- a. North arrow, scale and date of submission;
- b. A vicinity map;
- c. The zoning classification of the subject parcel;
- d. The location of existing or proposed lot lines and the dimensions of the same;
- e. The location of the ordinary highwater mark, the 80' setback and the proposed depth of the SPS;
- f. A grading plan showing finished contour lines at a minimum interval of 2 feet and correlated with existing contours;
- g. A detailed description of the measures to control soil erosion and sedimentation during and after the creation of the SPS;
- h. The location and type of significant vegetation including trees with a diameter of 8 inches or greater. The proposed trimming, replanting and addition of trees including the root systems left in place;
- i. The locations of existing water courses, water bodies including county drains, manmade surface drainage ways and wetlands;
- j. A list of all invasive species to be removed and their locations;
- k. The location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at planting must be indicated. All existing vegetation that is compatible with the list of approved plants must be indicated. All plantings must be selected from the list recommended species by the Northwest Michigan Invasive Species Network;
- l. Any shoreline retaining structures permitted by the appropriate agency approval for the waters involved;
- m. No septic tanks or septic drain fields shall be located within the Shoreline Protection Strip.
- n. Location and size of proposed deck, limited to 200 square feet, any walkway not to exceed six feet in width and made of permeable material and a maximum of one dock of 8 ft in width or less, on the waterfront lot and is it located at least fifteen feet from each side lot line.

Supplemental Site Plan Criteria

TBD Shoreline Protection Strip/Shoreland landscaping plans

The establishment, modification or repair of a required shoreline protection strip is part of the commitment to maintaining and improving the quality of the waters in the township. The shoreland landscape plan must include sufficient information to evaluate the unique needs of each parcel's shoreline protection. The shoreland landscape plan shall require all of the following criteria:

- A. A plot plan of the area from the Ordinary High-Water Mark (OHWM) to 50' landward showing elevation at 2' intervals. The width of the required shoreline protection strip will be determined primarily by the slope and soils type. Shoreline Protection Strip drawings, which must be designed by a Landscape Architect, engineer or equivalent, details the SPS at a depth of 25 feet – 50 feet from the Ordinary High-Water Mark (OHWM) of 581.2 feet. The extent landward depends upon grade to the waterfront: <10%-SPS = 25 ft., 10 – 25% SPS = 30 ft., 25 – 35% SPS = 35 ft. and > 35% SPS = 50 ft.;
- B. The location of existing or proposed lot lines and the dimensions of the same;
- C. A grading plan showing finished contour lines at a minimum interval of 2 feet and correlated with existing contours;
- D. A detailed inventory on location of all structures within 80' of the OHWM;
- E. The location and type of significant vegetation including trees with a diameter of 8 inches or greater. The proposed trimming, replanting and addition of trees including the root systems left in place. An inventory of existing plants and trees shall be submitted with photographs to show existing Shoreline Protection Strip area. Natural vegetation cover will be maintained to provide protection from erosion and provide filtration for the lake or stream frontage within the entire waterfront greenbelt area. Invasive plant species should be removed, as listed by Tip of the Mitt or the Northwest Michigan Invasive Species Network. Plants selected for planting must comply with the species approved list from the aforementioned agencies.
- F. Plans for trimming, replacing or additions, Trees may be cleared for a view corridor, or selective trees removed to provide for a filtered view throughout the frontage. Trees and shrubs marked for removal should be cut flush with the ground and stumps not removed.
- G. Location and size of proposed deck, limited to 200 square feet, any walkway not to exceed six feet in width and made of permeable material and a maximum of one dock of 8 ft in width or less, on the waterfront lot and is it located at least fifteen feet from each side lot line.
- H. No septic tanks or septic drain fields shall be located within the Shoreline Protection Strip.
- I. Any activity which occurs at the OHWN or beyond must have permits from USACE and or EGLE including retaining structures
- J. Report from the Shoreland Protection Subcommittee of the Planning Commission if required.

Shoreline Protection Strip Site Plan Review

3/11/24 revision

The waterways and lakes are invaluable assets to our quality of life and should be preserved in a natural fashion. Below are the essentials for reviewing the design of the required Shoreline Protection Strip. Also referred to as (SPS)

- A. Is this new structure construction with establishment of SPS, restoration or maintenance of an existing Shoreline Protection Strip? (SPS)
- B. All structures on the property must meet the 80-foot setback requirement from the OHWM (581.5 ft). One at-grade deck of 200 square feet or less and one walkway of 6 feet wide or less built of permeable material are allowed in the SPS.
- C. The Shoreline Protection Strip drawings, which must be designed by a Landscape Architect or equivalent, details the SPS at a depth of 25 feet – 50 feet from the Ordinary High-Water Mark (OHWM) of 581.2 feet. The extent landward depends upon grade to the waterfront: <10%-SPS = 25 ft., 10 – 25% SPS = 30 ft., 25 – 35% SPS = 35 ft. and > 35% SPS = 50 ft.
- D. Shoreline retaining structures are permitted with approval of required government agencies, including the Army Corp of Engineers, EGLE, etc. Permits must be applied for if plans include a retaining structure.
- E. An inventory of existing plants and trees shall be submitted with photographs to show existing Shoreline Protection Strip area. Natural vegetation cover will be maintained to provide protection from erosion and provide filtration for the lake or stream frontage within the entire waterfront greenbelt area. Invasive plant species should be removed, as listed by Tip of the Mitt or the Northwest Michigan Invasive Species Network.
- F. Trees may be cleared for a view corridor, or selective trees removed to provide for a filtered view throughout the frontage. Trees and shrubs marked for removal should be cut flush with the ground and stumps not removed.
- G. Any natural vegetation removed should be replaced with like what existed prior to removal. Restoration of a SPS should include the planting of native, deep rooted plants and shrubs.
- H. Significant trees (8 inches and larger in diameter measured at four-foot height) should be preserved.

- I. No alterations will be made to the area between the Ordinary High-Water Mark 581.5 and the water's edge without permits from EGLE and / or Army Corp of Engineers.
- J. No septic tanks or septic drain fields shall be located within the Shoreline Protection Strip.
- K. A maximum of one dock of 8 ft in width or less, on the waterfront lot and is it located at least fifteen feet from each side lot line.
- L. The remaining trees and shrubs may be trimmed to create filtered views to the water from the property. Pruning and removal activities may be inspected at the discretion of the Zoning Administrator.
- M. Dead trees or trees that could cause a hazard may be removed but the stumps shall not be removed.

Hayes Township
**Shoreline Protection Strip
Application**

Revised 3/4/24

Date: _____

General

Applicant: _____

Address: _____

Telephone: _____ Cell: _____ Email: _____

Property Information and Purpose of Application

Restoration or Establishment of SPS?

Address of Property:

Property Tax ID: (15-007- _____) Parcel Size: _____

Water Frontage Width: _____

Property Description: _____

*** I hereby grant permission for members of Hayes Township, Township Board, Planning Commission and Staff to enter the property described in this request for the purpose of gathering information related to this application. (Note to applicant) This is optional and will not affect any decision on this application.

Owners Signature: _____

Reviewer Signature and Recommendation:

Approval Standards

1. The proposed alterations within the SPS area comply with all requirements of Section 3.14 – 3 SPS of Hayes Township Zoning.
2. The proposed alterations within the SPS area will not create a significantly adverse impact on fish, birds, wildlife, native vegetation, and general water quality.
3. The proposed alterations within the SPS area will not create a significantly adverse impact on water quality by increased erosion and sedimentation going into the water.

4. The proposed alterations within the SPS 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.

Application Requirements Checklist

1. Two (2) complete sets of plans for Zoning Administrator review and eight (8) complete sets for Planning Commission review. The SPS drawings must have the name, address, professional status, license number (if applicable), and phone number of the person detailing the drawings.
2. Show placement of any buildings or other structures, delineates a perimeter line encompassing all proposed activities, identifies the location and extent of the SPS boundary, and proposed land changes including plantings.
3. 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 SPS application.
4. All trees 8" and larger in diameter at 4.5 feet above ground are shown on a map, and will include the species, diameter, and condition.
5. A plan for pedestrian walkways to the lakefront, detailing construction and maintenance of paths, stairs, or boardwalks.
6. Detailed drawings and descriptions of the following:
 - a. temporary and permanent soil erosion and sedimentation control measures, including bank stabilization measures.
 - b. delineation of the SPS alteration area before and during development activities, with area calculations and descriptions of vegetation to be removed and descriptions of proposed vegetation replacement for these areas.
 - c. location of existing structures on the propertyAll drawings will also have the name, address, professional status, license number (if applicable) and phone number of the person who prepared the plan, the date of the original drawing and the date of the most recent revision.
7. Photographs of the existing SPS and the proposed waterfront SPS area showing all tree and shrubs marked for removal. Upon completion of the project, photographs of the waterfront SPS altered.

Comments: _____

