

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION
June 18, 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- June 4, 2024 and May 21, 2024
6. Public Comment (3 minutes)
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
 - Mixed Use Residential- Continue review of Zoning Ordinance Draft; as time allows any additional sections may be reviewed as requested by Planning Commission Members
11. Old Business
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- July 16, 2024.
14. Public Comment (2 minutes)
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 two (2) minutes 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.



Zoning Administrator Report

JUNE 2024

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

- Resolved Light non-compliance with landowner on Maple Grove.
- Issued zoning permit for a 12'x12' Dormer addition to garage at 6104 Rocky Beach.
- Issued zoning permit for a 12'x26' Mobile Temporary Sale Unit at 9044 North Star Drive.
- Issued zoning permit for a new single-family dwelling with attached garage and two porches at 11575 Summerhill Way.
- Working with Charlevoix County Equalization on zoning map corrections.
- Issued zoning permit for a 44'x46' new single-family dwelling with attached garage at 5735 Ridgeland Road.
- Issued zoning permit for a 53' x 52.8' single family dwelling with attached 26'x38' Garage at 8400 Burns Road.
- Conducted Inspections for Compliance.
- Received and reviewing zoning permit application for a new single-family dwelling with accessory structure on Major Douglas Sloan Road.
- Issued zoning permit for a 16'x10' deck with ramp not connected to principal structure at 7423 Major Douglas Sloan Road.
- Issued zoning permit for 30'x16' accessory structure at 6519 Red Pine Trail.
- Discussed the Recreational Vehicle section of the ordinance with residents.
- Resolving with assistance from Tapp of the Mitt a non-compliant parcel.
- Resolving a non-compliant nuisance complaint with landowner at 10415 Hyek Road, in the process of submitting a Special Use Permit Application.
- Sent second notice letter for a violation on Seneca Ave.
- Sent first notice letter for a violation at 6099 Charlevoix Street.

Hayes Township Planning Commission
June 4th, 2024
Public Hearing
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

1
2 **CALL TO ORDER:** Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.
3 Members present: Rex Greenslade, Carey Cuddeback, CT Martin, Mark Snyder, Matt
4 Cunningham, Roy Griffiths (Chair), and Marilyn Morehead.
5 Also, present: April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Zoning
6 Administrator)
7 Audience: Deb Narten, Danelle Hutchenson, Kevin Willis, Laura Ford, Steve Hassell, Luanne
8 Kozma, Tim Boyko, Betty Henne, and Bill Conklin.

9
10
11 **PLEDGE OF ALLEGIANCE:**

12
13 **REVIEW AGENDA:**

14 Add residential/commercial discussion after the waterfront section if time permitted.
15 Ms. Morehead made a motion, supported by Mr. Greenslade to change the second public
16 comment period to two minutes.
17 Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, CT Martin, Rex Greenslade, Carey
18 Cuddeback and Marilyn Morehead.
19
20 Mr. Greenslade made a motion, supported by Mr. Snyder, to approve the agenda as amended.
21 Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, CT Martin, Rex Greenslade, Carey
22 Cuddeback and Marilyn Morehead.

23
24 **DECLARATIONS OF CONFLICTS OF INTERESTS:**

25 None

26
27 **PUBLIC COMMENTS:**

28 Public comments opened at 7:04 pm.

29 Comments included:

- 30 - Stated they are here to observe the work of the Planning Commission and stated they
31 are running for Township Clerk. They are concerned Hayes Township is altering the
32 Zoning Ordinance to negatively impact the shoreline. Stated the zoning ordinance
33 should be used as a tool.

34 Public comments closed at 7:07 pm

35

Hayes Township Planning Commission
June 4th, 2024
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New Business:

**CONTINUE 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:**

- Discussed the allotted 20% removal of trees within the Shoreland Protection Strip.
- Individual properties need to be addressed individually.
- Questioned the science behind the 50-foot Shoreland Protection Strip.
- Be considerate of the landowners having to spend their money for any landscaping to comply with the Zoning Ordinance.
- Discussed how the slope grade percentage is determined, and who determines it?
- Rex Greenslade will conduct some research on the process and resources available for determining the percentage of the slope grade.
- Stated risk management should be a focus point for the waterfront.
- Stated the shoreland protection strip ordinance requirements need to be affordable for the landowner.
- Encourage landowners to leave trees.
- Discussed the repetition of item K. came to a consensus to delete item K.
- Discussed deleting item L. because it is repetitive. Came to a consensus to delete L.
- Add language from Item L. regarding invasive species to item I.
- Consensus to move item 1,2,3, and 4 under item M to item I. delete the rest of item M.
- Discussed the issue of beach sand and it being regulated by Army Corp of Engineers.
- Came to a consensus beach sand should be regulated by the Army Corp of Engineers or EGLE.
- Discussed the Waterfront Development Review process become a supplemental site plan review process and apply as a SUP.
- Stated every property on the waterfront with an application for construction will fall under a SUP.
- Will amend item B. to reflect the draft of the Special Use Permit Shoreland Landscaping Plan requirements.
- The Shoreland Protection Subcommittee needs to stay in place even with the SUP process modification.
- Discussed non-conforming lots not currently being in the 4.4 C. IV. Table.
- Will discuss deleting the language of "conforming" from the 4.4 C. IV table with legal counsel.

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- Determined the addition of language for Marinas in the township is necessary.
- Editorial corrections made through out the draft.
- Discussed dock lighting in the ordinance, should it be the landowner's discretion?
- Came to a consensus to remove item E.
- Came to a consensus to remove item 7 "Marine sewage Pump-out Facility."
- Discussed Public Access Sites section of the ordinance, should it be encouraged to put standards on public access sites.
- Came to a consensus for the Township attorney to review the language in item 8. Public Access Sites.
- Reviewed the proposed draft for Special Use Permit Shoreland Landscaping plan for SPS.
- Reviewed the proposed draft for Supplemental Site Plan Criteria for the Shoreline Protection Strip. Shoreland Landscaping Plans.
- Discussed the proposed draft of the Shoreline Protection Strip Application.

SET/CONFIRM PUBLIC HEARING DATES:

NA

SET/CONFIRM DATE OF NEXT PC MEETING –JUNE 18TH, 2024.

Next Planning Commission regular meeting will take place on June 18th, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 9:00

Comments Included:

- Asked if septic fields are allowed in the lake front lawn. Roy Griffiths responded that is a health department regulation.
 - Appreciates the follow up comment opportunity. Has been reassured after this meeting the commission is not out to gut the ordinance. They were miss informed before the meeting and apologizes for their previous comment.
 - Stated it is gracious of the commission increasing this portion of the public comment to 2 minutes. would like the commission to research and undergo more training to help with their discussions on the waterfront section. Feel the SUP option is the wrong road.
 - Believe the commission needs to have an attorney to review the draft and language and seek recommendations from Tipp of the Mitt regarding the science questions brought up during tonight's discussions. Believes sanding negatively impacts the lake.
- Public Comment Closed at 9:07

PLANNING COMMISSION COMMENT:

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106 **ADJOURNMENT:** Ms. Morehead made a motion, supported by Mr. Snyder, to adjourn the
107 meeting at 9:07 pm.
108 Yeas: Mark Snyder, Rex Greenslade, Carey Cuddeback, CT Martin, Roy Griffiths, Marilyn
109 Morehead, and Matt Cunningham.
110 Nays: none **Motion Carries**

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112
113 Respectfully Submitted by:
114 April Hilton
115 Deputy Clerk/Recording Secretary
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Hayes Township Planning Commission
May 21st, 2024
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

1
2 **CALL TO ORDER:** Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.
3 Members present: CT Martin, Mark Snyder, Matt Cunningham, Roy Griffiths (Chair), Marilyn
4 Morehead and, Rex Greenslade.

5 Excused: Carey Cuddeback

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

7 Administrator)

8 Audience: LuAnne Kozma, Ellis Boal, Deb Narten, Laura Ford, Bill Conklin, Sherry McCary,

9 Andrew Wilson, Dave Kemme and Betty Henne.

10
11 **PLEDGE OF ALLEGIANCE:**

12
13 **REVIEW AGENDA:**

14 Add Further Review of Shoreline Landscape Plan 08045 Mulberry Lane.

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

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

18
19 **DECLARATIONS OF CONFLICTS OF INTERESTS:**

20 Rex Greenslade declared a conflict of interest with Old Business item Further Review Shoreline
21 Landscape Plan 08045 Mulberry Lane.

22
23 **APPROVAL OF MINUTES APRIL 16th, 2024 REGULAR MEETING**

24 Mr. Greenslade made a motion, supported by Ms. Morehead, to approve the April 16th, 2024,
25 regular meeting minutes as amended.

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

28 Nays: none **Motion Carries**

29
30 **APPROVAL OF MINUTES FROM MAY 6th 2024 SPECIAL MEETING:**

31 Mr. Cunningham made a motion, supported by Ms. Morehead, to approve the May 6th, 2024,
32 special meeting minutes as presented.

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

35 Nays: none **Motion Carries**

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PUBLIC COMMENTS:

Public comments opened at 7:04 pm.

Comments included:

- Stated they do not feel like the Shoreland overview mistake was not an oversight at the last meeting and still does not feel like it is a complete site plan. Does not feel a Waterfront Supplemental Site Development Standard is the right tool to use to protect the lakes and streams.
- Stated they reviewed the master plan and would like to know if the Planning Commission amendments of the waterfront section of the Zoning ordinance is consistent with the Master Plan.
- Stated they are running for Supervisor. They disagree with the rewrite of the Zoning Ordinance. They are worried the changes will not be enough protection for the lakes. Would like to see more restrictions put on Special Use Permits.

Public comments closed at 7:12 pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting June 10th, 2024, at 7:00pm.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

N/A

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

Old Business:

FURTHER REVIEW SHORELINE LANDSCAPE PLAN 08045 MULBERRY LANE:

Mr. Martin made a motion, supported by Mr. Snyder to remove the following items from the Shoreline Landscape plan review.

5.03.3 items K, M, N, O, P

5.03.4 items B, D, E, F

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

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

Nays: none **Motion Carries**

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Ms. Morehead made a motion, supported by Mr. Martin to approve the site plan review and shoreline restoration plan for 08045 Mulberry Lane as presented.

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

Nays: none **Motion Carries**

New Business:

2024/2025 PLANNING COMMISSION BUDGET:

Mr. Greenslade made a motion, supported by Ms. Morehead to approve the 2024/2025 Planning Commission Budget to be sent to the Hayes Township Board of Trustees for consideration as amended.

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

Nays: none **Motion Carries**

CONSIDER ADDING MIXED USE RESIDENTIAL/NEIGHBORHOOD COMMERCIAL TO ZONING

ORDINANCE DRAFT:

Planning Commission discussed the possibility of adding a Residential / Neighborhood Commercial zoning district.

Discussion included:

- Argonne is an example of this
- Would drive throughs be considered
- Planning Commission can define the vision of this district.

Planning Commission came to a consensus to postpone the discussion for this section of the ordinance until the next Planning Commission meeting, allowing the Planning Commission members time to research and develop suggestions for this section.

REVIEW OF ZONING ORDINANCE EDITS 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:

PC Members shared intent for this Section.

Discussion included:

- Would like to see some changes made to the waterfront section due to lawsuits.
- There is conflicting content between the different ordinances.
- Would like to see a county wide consistent ordinance for the lake front.

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- 106 - Would like the zoning ordinance to be clear to the public and easy for the zoning
107 administrator to interrupt.
- 108 - Protection of the lake from pollution through the Shoreline Protection Strip is the most
109 important.
- 110 - Individual properties have unique characteristics and needs.
- 111 - Increase compliance.
- 112 - Create a simple clear plan.
- 113 - Consult outside expertise.
- 114 - Each lake has separate needs and protection.
- 115 - Should encourage property owners to improve the shoreline and become compliant.
- 116 - Will consult with the Township Attorney how the Planning Commission and Zoning
117 Administrator can enforce each property individually under a Special Use Process.
- 118 - Do not eliminate the Site Plan Review for larger projects, however, add a specific review
119 process.
- 120 - Create clearer definitions.
- 121 - 4.1 add "recreational values" after "economy" in the first sentence.
- 122 - All sources of water pollution need to be held accountable.
- 123 - 4.2 keep Susan Lake's Ordinary High-Water Mark at 80 ft, and set Lake Michigan and
124 Lake Charlevoix Ordinary High-Water Mark at 100 ft.
- 125 - Create a section specifically for streams, involving EGLE recommendations with the
126 same intent to protect the water. The Planning Commission will address streams at a
127 later meeting.
- 128 - Each organization determines the Ordinary High-Water Mark differently making it
129 difficult for the Planning Commission to determine the best standard to use.
- 130 - Planning Commission came to a consensus to define the Ordinary High Mark as "581.2 is
131 the standard".
- 132 - Remove item 1 under 4.2 A.
- 133 - Add language regarding the grade to the waterfront.
- 134 - Editorial corrections throughout
- 135 - Planning Commission will continue working on additional language for Accessory
136 Structures on waterfront lots regarding the shoreline restoration requirements when
137 outside of the 250-foot setback.
- 138 - Planning Commission will research ideas and information to establish language for item
139 4.3 C. regarding structures above the high water. And consider shoreline protection
140 structures.

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- Will continue discussion of a Channel being a structure.
- Add language that "Walkway must run perpendicular to a deck not adjacent."
- Add Appendix to "recommended Native Species" in 4.3 I.
- Change "whenever possible" in item 4.3 I. language.
- Planning Commission came to a consensus to continue this section of the ordinance at the next regular meeting.

SET/CONFIRM PUBLIC HEARING DATES:

None

SET/CONFIRM DATE OF NEXT PC MEETING –JUNE 18TH, 2024.

Next Planning Commission regular meeting will take place on June 18th, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 9:35

Comments Included:

- Feels the Planning Commission is gutting the ordinance in the redraft edits.
- Thanked the Planning Commission for answering the questions regarding the Shoreline protection strip.
- Recommended the Planning Commission set the standards for what individuals can do with their property within the Zoning Ordinance.
- Stated if a Harbor is corrected either naturally or not the High-Water Mark changes.
- Appreciates all the work and research the Planning Commission has done with the Ordinance redraft. Feels the stream definitions and guidelines should be copied from EGLE.
- Asked for clarification on increasing compliance by regulations.
- Stated they feel the Planning Commission should consider having a professional help with this section of the ordinance.

Public Comment Closed at 9:44pm

PLANNING COMMISSION COMMENT:

Mr. Martin stated when the Planning Commission is complete with their discussion, the draft will go to Beckett and Reader for review.

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Mr. Snyder stated he feels the discussion between the Planning Commission member is important and helpful.

Mr. Greenslade agreed with the previous comments and feels the members are making progress in their discussions.

Mr. Griffiths stated consultants ask what you want accomplished, they do not give you suggestions. Clarified the draft will go to a consultant and be presented at a public hearing before being adopted. The Planning Commission would like to work towards a reality approach within the Ordinance.

ADJOURNMENT: Mr. Greenslade made a motion, supported by Mr. Snyder, to adjourn the meeting at 9:49 pm.

Yeas: Mark Snyder, Roy Griffiths, Rex Greenslade, CT Martin, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary

3. Uses Subject to Special Use Permit
 - A. Public buildings and facilities.
 - B. Places of worship and related religious buildings.
 - C. 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 4.13 Schedule of Regulations**

Section 4.09 Mobile Home Park District (R-5)

The following provisions shall apply to the Mobile Home Park District (R-5).

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. Single family dwellings
 - B. Two family dwellings
 - C. Multiple family dwellings
 - D. Manufactured or mobile home developments
 - E. Parks, playgrounds, recreational areas and community centers.
 - F. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section 3.22 Antenna Co-location on an Existing Tower or Structure**.
 - G. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
 - H. 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. Accessory buildings and uses customarily incidental to the above special approval uses
4. Dimensional Regulations

Structures and uses in the Mobile Home Park District are subject to the area, height, bulk and placement requirements in **Section 4.13 Schedule of Regulations**

Section 4.10 Neighborhood Commercial District (C-1)

The following provisions shall apply to the Neighborhood Commercial District (C-1).

1. Intent

The Neighborhood Commercial District is designed to give the Township a local business district that is somewhat more selective than a General Commercial District, to provide for the establishment of small-scale neighborhood and shopping areas, personal services, and professional office areas that are compatible with and of service to township residential uses. Tourist services are also included as being in character with the District.

2. Permitted Uses

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Public parks, playgrounds or recreation facilities.
- D. Restaurants and bars, except drive-through restaurants.
- E. Retail sales, within an enclosed building, and without a drive through window.
- F. Banks and financial services, except facilities with drive-through windows.
- G. Business and personal services.
- H. Professional offices.
- I. Public utility buildings without storage yards.
- J. Public buildings and facilities.
- K. Civic, social and fraternal organization 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 3.22 Antenna Co-location on an Existing Tower or Structure**.
- N. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
- O. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Multiple-family dwellings.
- B. Residential dwellings on the second floor of commercial structures.
- C. Gasoline / Service Station.
- D. Outdoor sales facilities.
- E. Places of worship and related religious buildings.
- F. Child or adult daycare facilities serving more than six (6) clients
- G. Group foster care facilities.
- H. Convalescent or nursing homes.
- I. Carpentry, plumbing and electrical sales, services and contracting offices.
- J. Transmission and Communication Towers, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
- K. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
- L. Sand and gravel extraction, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
- M. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section 3.15 Home Businesses**.
- N. Accessory buildings and uses customarily incidental to the above special approval uses.

4. Dimensional Regulations

Structures and uses in the Neighborhood Commercial District are subject to the area, height, bulk and placement requirements in **Section 4.13 Schedule of Regulations**

Section 4.11 General Commercial District (C-2)

The following provisions shall apply to the General Commercial District (C-2).

1. Intent

The intent of the General 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 General 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 or recreation facilities.
- B. Restaurants and bars, except drive-through restaurants.
- C. Retail sales, within an enclosed building, and without a drive through window.
- D. Banks and financial services, except facilities with drive-through windows.
- E. Business and personal services.
- F. Professional offices.
- G. Funeral Homes.
- H. Public utility buildings without storage yards.
- I. Public buildings and facilities.
- J. Civic, social and fraternal organization facilities.
- K. Motels and resorts.
- L. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section 3.22 Antenna Co-location on an Existing Tower or Structure**.
- M. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
- N. One residential dwelling unit, as an accessory use to an on-site commercial/business use.
- 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 "C-2" 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 materials sales.



April Hilton <deputyclerkhayes@gmail.com>

Fwd: Property Commission Follow up regarding SUP

Roy Griffiths <rwgriffitts3@gmail.com>

Tue, Jun 18, 2024 at 6:22 PM

To: kristin baranski <deputyclerkhayes@gmail.com>

----- Forwarded message -----

From: **L Ford** <lfordcnp@gmail.com>

Date: Wed, Jun 5, 2024 at 4:47 PM

Subject: Property Commission Follow up regarding SUP

To: Roy Griffiths <rwgriffitts3@gmail.com> <rwgriffitts3@gmail.com>, Marilyn Morehead <morehead.m@gmail.com>, Rex Greenslade

<greensladerex@gmail.com> <greensladerex@gmail.com>, Matt Cunningham

<trustee2@hayestownshipmi.gov> <trustee2@hayestownshipmi.gov>

CC: William Conklin <wmmconklin@gmail.com>, kevin willis

<kwillisc@yahoo.com>, Sherry McCary <slbmccary@gmail.com>, LuAnne

Kozma <luannekozma@gmail.com>, Bill Henne <wm.henne@gmail.com>, Betty

Henne <betty.henne@gmail.com>, Deborah Narten <dlnarten@gmail.com>, Jim

Rudolph <jmr09799@gmail.com>, JoEllen <jobee949@gmail.com>, McMahan,

Jim and Diane <jim_mcmahan_iii@yahoo.com>

Greetings:

Thank you for allowing public comment on 4 June 2024. I offer the following for your consideration relating to the rewriting of our Zoning Regulations.

Township Planning Commissions are under the Authority of the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act which provide for the development of plans by planning commission "to promote public health, safety, and general welfare; to encourage the use of resources in accordance with their character and adaptability; to

avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets... and to consider the character of each Township and its suitability for particular uses judged in terms of such factors as the trend in land and population development". (MCL)

I encourage you to consider the importance of being good stewards of the pristine resources in Hayes Township, for the enjoyment of all people of the State that enjoy our beautiful waterways.

The Zoning Board and Planning Commission should reference resources for the riparian homeowner and for the members of your committee:

1) Natural Resources and Environmental Protection Act 451 of 1994, Part 301 regarding Inland Lakes and Streams. Available www.legislature.mi.gov

a. This MCL (Michigan Compiled Law) offers definitions and outlines operations **prohibited without permit**, such as Dredge, to Construct, enlarge, extend, remove or place a structure on bottomland, etc.

b. According to Michigan Attorney General Dana Nessel (conversation 31 May 2024) this MCL supersedes township regulations when it pertains to inland water ways and is enforceable by State and other authorities. Attorney Nessel informed me that if a Zoning Board allowed an individual to violate EPA law, **that does not remove the homeowner OR THE APPROVING ENTITY from liability.**

2) EGLE: Michigan Guide to Environmental Regulations (2022) Chapter 8: Land/Water Interface Activities. Available: [Michigan Guide to Environmental Regulations](https://www.michigan.gov/egle/regulatory-assistance/compliance-assistance/environmental-regulations-guide) or <https://www.michigan.gov/egle/regulatory-assistance/compliance-assistance/environmental-regulations-guide>

- a. This reference explains not only environmental regulations for riparian landowners, but also for the Great Lakes, the Sand Dunes, etc.
- b. Several resources are available within this document including permit applications and instructions.

3) Tip of the Mitt Watershed Council website has several resources for Michigan residents, including video and print options. Available: [Welcome to the Tip of the Mitt Watershed Council - Tip of the Mitt Watershed Council](#) or <https://watershedcouncil.org/>

Had the above resources been available to the out of state summer residents who wanted to establish a boat house and dredge the lake bottom, it could have potentially saved the township trustees and officials time and funds.

Had the Planning Commission been cognizant of the EPA Law and Regulations, perhaps that would have save time and aggravation on all our parts watching your committee strip the zoning ordinance that protects our property.

I would also like you to clarify for me what your intent is by using a Special Use Permit. According to Real Estate Law ([Variances and Special Use Permits: Exploring Exceptions to Zoning Rules - Real Estate Law Corporation™](#) or <https://www.realestatelawcorp.com/variances-and-special-use-permits-exploring-exceptions-to-zoning-rules/>) I was able to gain the following information:

Special use permits, also known as conditional use permits, are another way to create exceptions to zoning rules. [emphasis Ford]
Unlike variances, special use permits allow specific land uses within a particular zone, subject to certain conditions or limitations. Key aspects of special use permits include:

Permitted Uses: Special use permits specify uses that are allowed within a zone under specific conditions. These uses are generally considered appropriate for the area but may require additional scrutiny due to their potential impact.

Conditions: Special use permits often come with conditions that property owners must meet. These conditions can address factors like building design, parking, landscaping, and noise control to minimize the impact on the surrounding community.

Public Input: Special use permits often involve public hearings and notifications to gather input from neighbors and stakeholders. Public opinion may influence the conditions attached to the permit.

Review Process: Local zoning boards or commissions review and approve special use permit applications. The decision-making process considers the suitability of the proposed use for the area and its compatibility with the zoning code.

Revocation: Special use permits can be revoked if the property owner fails to meet the specified conditions or if the use causes significant problems for the community.

I have concerns about the Zoning Board inserting into their planning regulations that an exception will be allowed. I would encourage the Planning Group to reconsider using the title "Special Use Permit". This presents a possibility for an individual or corporation to bypass zoning regulations. If you truly intend to protect our waterways - you will understand that this presents a loophole for individuals to bypass Shoreline Protection.

I will be happy to discuss these two concerns with you further at your next meeting.

Regards,

6/18/24, 6:22 PM

Gmail - Fw d: Property Commission Follow up regarding SUP

Laura

Laura C. Ford, PhD, RN, CNP



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

OHWM determination on streams and rivers as well as lakes1 message

LuAnne Kozma <luannekozma@gmail.com>

Tue, Jun 18, 2024 at 4:03 PM

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

Roy Griffiths made a statement at the May Planning Commission meeting that there is the OHWM measurement does not apply on streams. That is incorrect.

There is a series of EGLE videos on the OHWM including these two:

<https://www.youtube.com/watch?v=9li40DGxRNE>

<https://www.youtube.com/watch?v=FZguit2za78>

And, this DNR publication/website on measuring the "bankfull" and OHWM for a Michigan stream:

https://www2.dnr.state.mi.us/publications/pdfs/ArcGISOnline/Guides/Stream_Crossing/MIDNR_Bankfull_Training_Handout.pdf

Properties in Hayes Township that are on rivers and streams also must determine the OHWM of that in order to determine Shoreland Protection Strip locations and setbacks for structures.

HAYES TOWNSHIP PLANNING COMMISSION MEETING

Meeting Date:	June 18th, 2024
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Location:

Hayes Township Hall

[illegible]

