

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION

June 17, 2025 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. Public Hearing – Correcting errors in the DeWitt Marine Special Use Permit.
6. Public Comment
7. Review and Approval of Draft Minutes- May 20, 2025
8. Report of Township Board Representative to the Planning Commission
9. Report of Zoning Board of Appeals Representative to the Planning Commission
10. Zoning Administrator Report
11. New Business
 - Zoning Ordinance Work Group Update – Carey Cuddeback
 - Master Plan Editing Process Updates – Rex Greenslade
12. Old Business
13. Set/Confirm Public Hearing Dates
14. Set/Confirm Date of Next Regular PC Meeting- July 15, 2025
15. Public Comment
16. Planning Commission and Staff Comment
17. 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) 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
May 20th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

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

Excused: Carey Cuddeback.

Also, present: Ron VanZee (Zoning Administrator).

Audience: Carey Cuddeback, LuAnne Kozma, Tim Boyko, Carol Umlor, Ellis Boal, Betty Henne, Melvin Czechowski, Bill Conklin, Gary Ruehle, Diane McMahon, Jim McMahon, Diane Conklin, and Dave Kemme.

REVIEW AGENDA:

Chair Roy Griffiths proposed the following additions to published agenda:

1) Schedule Public Hearing for Dewitt Marine.

2) Update from Rex Greenslade on Master Plan Updates.

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

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS: Public comments opened at 7:02pm.

- Stated the Survey was done very well and looks forward to seeing the results in the Master Plan. Shared concerns of the Dewitt Marine property on US 31, specifically the boat pads.

- Requested clarification if the ZBA would be the correct board to address the interpretation of "seasonal" versus the Planning Commission.

- Mr. Griffiths clarified the Planning Commission was not discussing the interpretation of "seasonal", however was discussing expanding the definition for "seasonal".

- Stated they do not feel contacting a resident via phone to discuss a violation is proper. Feel everyone should take lighting violation and any zoning violation a little more seriously.

- Requested clarification on which sections of the Zoning Ordinance Beckett and Raeder will be reviewing, concerned Beckett and Raeder is not the best company in the area for the job.

Public comments closed at 7:15pm

Hayes Township Planning Commission
May 20th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

APPROVAL OF MINUTES MARCH 18TH, 2025 REGULAR MEETING

Mr. Snyder made a motion, supported by Mr. Cunningham, to approve the March 18th, 2025, regular meeting minutes as presented.

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

Nays: none **Motion Carries**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report on Board of Trustees activities. Next regular scheduled Board meeting is June 9th 2025.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

The ZBA does not have any scheduled meetings at this time.

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

SHORELAND LANDSCAPE PLAN – 11659 PA BA SHAN:

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

5.03.3 items G, H, K, M, N, O, P, I

5.03.4 items B, D, E, F

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

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Alexander Curly and Matt Cunningham.

Nays: none **Motion Carries**

3. 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.

Hayes Township Planning Commission
May 20th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

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

I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.

YES

J. The location, size and slope of all surface and subsurface drainage facilities.

YES

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

4. Application Submittal Procedures:

A. 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

Hayes Township Planning Commission
May 20th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

C. 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.

YES

5. 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.

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

Mr. Martin made a motion, supported by Mr. Greenslade to approve the site plan review for 11659 Pa Ba Shan Lane as submitted.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Alexander Curly and Matt Cunningham.

Nays: none Motion Carries

Hayes Township Planning Commission
May 20th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

153

154

155 **SCHEDULE PUBLIC HEARING FOR DEWITT MARINE:**

156 Mr. Griffiths stated they reached out to the Township attorney was contacted for his thoughts
157 on the Dewitt boat pads and whether or not MDOT approval for them would supersede the
158 Township Zoning Ordinance. Attorney Todd Millar discovered many cases have been presented
159 to the state when they have gone against local ordinances, which would effect MDOT authority.
160 The Planning Commission decision made during the Dewitt Special Use Permit hearing was
161 based on their previous understanding that MDOT had authority over the proposed location of
162 the boat pads and not the Township.

163 Mr. VanZee stated his understanding at the time of the hearing was the township did not have
164 jurisdiction with in the Road Right away, However, after hearing the Township's attorney's
165 opinion he has found the decision was made in error. He has been in communication with the
166 applicant regarding this new understanding, which is one of the reasons the applicant pulled his
167 additional application hearing. Mr. VanZee requested as allowed under section 9.04 for the
168 Planning Commission to rehear this Special Use Permit.

169 Mr. Griffiths made a motion, supported by Mr. Snyder to schedule a rehearing for the Special
170 Use Permit for DeWitt Marine boat pads, as requested by the Zoning Administrator.

171 Yeas: Roy Griffiths, CT Martin, Rex Greenslade, Mark Snyder, Alexander Curly and Matt
172 Cunningham.

173 Nays: none Motion Carries

174

175 **UPDATE FROM REX GREENSLADE ON THE MASTER PLAN UPDATES:**

176 Mr. Greenslade requested the Planning Commission members to submit their comments as
177 soon as possible. Within the survey there are some challenges to reconcile some results.

178

179 **2025/26 BUDGET DRAFT:**

180 Mr. Snyder made a motion, supported by Mr. Greenslade to approve the submission of the
181 Planning Commission budget draft as discussed.

182 Yeas: Roy Griffiths, CT Martin, Mark Snyder, Rex Greenslade, Alexander Curly and Matt
183 Cunningham.

184 Nays: none Motion Carries

185

186 **OLD BUSINESS:**

187 **BRI PROPOSAL:**

Hayes Township Planning Commission
May 20th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

The Board of Trustees has signed and approved the proposed contract from BRI. Mr. Cuddeback, Mr. Martin, Mr. VanZee and Ms. Hilton with work with the BRI consultant in workshop meetings.

SET/CONFIRM PUBLIC HEARING DATES:

Public Hearing to rehear the DeWitt Special Use Permit will be scheduled for June 10th or June 17th depending on the notice posting availability.

SET/CONFIRM DATE OF NEXT PC MEETING –JUNE 17th, 2025.

Next Planning Commission regular meeting will take place on June 17th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 7:58pm

- Stated they are happy the Planning Commission will be rehearing the DeWitt Special Use Permit, feel the applicant should have a certified survey submitted to eliminate Wetland concerns and to clearly show the MDOT Road Setback.
- Mr. Griffiths stated the State of Michigan has maps and surveys available online showing the setbacks along US 31.
- Stated they received notice they had a potential outdoor lighting violation, discussed the issue with Ron VanZee and has changed his outdoor lighting since, would like to invited him out the test his lights. Suggested the Planning Commission review the Outdoor Lighting section of the Zoning Ordinance during the rewrite.
- Stated a year ago the Township became aware of a proposed EGLE permit request at the Berger property. Pleased to hear the property owner is working with the Township.

Public Comment Closed at 8:07pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Snyder attended a Tip of the Mitt workshop meeting on May 5th 2025.

ADJOURNMENT: Mr. Snyder made a motion, supported by Mr. Martin, to adjourn the meeting at 8:12pm.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



Zoning Administrator Report

June 2025

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

- Received new Variance application for 6995 Birdland Drive.
- Sent first notice letter to landowner for a non permitted patio on Oyster Bay Drive.
- Sent first notice letter to landowner for a Nuisance Ordinance Violation on Maple Grove Road.
- Zoning permit application for a Demo and rebuild of existing home on Quarterline road. Shoreline Review Committee conducted inspection and advised applicant to work with Tip of the Mitt to create shoreland restoration plan.
- Awaiting response from landowner from progress request letter sent to landowner for non-compliance nuisance complaint with landowner on Hyek Road.
- Awaiting response from landowner from progress request letter sent to Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Application for a new single family dwelling unit on Murray Road. Waiting for additional information to complete application.
- Application for a free standing sign on Nine Mile Point. Proposed size of the sign exceeds the allowed maximum within the Zoning Ordinance, Zoning Permit was denied, continuing communication with applicant.
- Landowner has requested a meeting, regarding complaint of a Shoreline violation on Peaceful Valley Road.
- Public Hearing has been scheduled for June 17th 2025, to re-hear Dewitt Marine's Special Use Permit.
- Received and reviewing appeal application.
- Sent progress request Letter to landowner on Maple Grove Road for a Nuisance Ordinance complaint, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards.



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Planning Commission: DeWitt Marine Development on US-31

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Wed, Jun 11, 2025 at 8:03 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Mark Snyder <snyderhtp@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, "C. T. Martin" <ctmagnetics@aol.com>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <acurley.pc@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>

Cc: Ron VanZee <zoning@hayestownshipmi.gov>

Re: Reconsideration (Rehearing) of DeWitt Marine Special Use Permit

Dear Planning Commission Members:

I am unable to attend the planning commission meeting on June 17 due to a scheduled medical procedure I'm having on that same day at Munson Hospital in Traverse City. There are very serious failures, issues, and apparent zoning ordinance violation(s) with DeWitt Marine's current land development.

As the Planning Commission develops its **"Findings of Fact"**, I ask you to specifically consider **all elements** contained in the following sections of the Hayes Township Zoning Ordinance:

Section 3.19 Access Management

Section 3.20 Outdoor Lighting

Section 3.21 Signs

Section 5.03 Site Plan Review (All Districts), especially 5.03.3 and 5.03.5

Section 6.02.4.E Compatibility with Natural Environment

Below are some specific failures, issues, and apparent violations.

1. There is **no "certified survey"** of the property prepared and sealed by a professional licensed surveyor" **specific to this site development**. Please reference Section 5.03.3.C.
2. The Site Plan Data **does not include** the following items in the documentation:
 - a. dimensions of abutting rights-of-way
 - b. required setbacks with dimensions
 - c. watercourses and water run-off paths
 - d. wetlands, including those on abutting properties
 - e. man-made drains including the mechanically dug trench located parallel to both US-31 and the service drive
 - f. remaining items within Section 5.03.3 that are too numerous to list here.
3. The MDOT right-of-way for US-31 is 75 feet (on the road's south side) from the actual road centerline. The MDOT "temporary use permit" **does not** supersede Hayes Township's Zoning Ordinance per Mr. Andy Perkette of MDOT's Gaylord TSC.
4. Section 3.19.1 specifically states that "Development of highway corridor property, regardless of zoning district, shall have a minimum front yard setback of fifty (50) feet from the road right-of-way." Therefore, the setback for development is 125 feet from the road centerline (i.e., 75 feet + 50 feet = 125 feet total setback).

5. The newly constructed **four (4) pontoon boat display pads are clearly in non-compliance with this 125 feet total setback**. These four boat display pads with their higher elevation, fill, gravel, and landscaping railroad ties are development of highway corridor.

6. **No professional wetlands information has been provided.** Michigan EGLE mapping charts show many wetland areas scattered throughout this general commercial development area.

Professionally-certified information must be provided. Specifically, there is no wetlands information provided for the following abutting properties, Sections 5.03.3.F and 5.03.3.N:

- a. directly south of the DeWitt property
- b. directly east of the DeWitt property
- c. northeast of the DeWitt property where the pooled water resides (see **question** below)
- d. between the service drive and the mechanically dug (water) trench where the boat display pads were constructed.

Question: In item 6(c) above, water had been retained (pooled) for many months until some time after June 1st, 2025. From a US-31 vantage point, it now appears the wetland water has been drained away. What caused this wetland water drainage? Was it a modification to the mechanically dug trench? Where did the water go?

Wetland observations:

a. From a US-31 vantage point, I have personally and easily witnessed the wetland pooled water.

b. Both prior to and during the construction of the four pontoon boat display pads in 2024, I observed standing water in the pontoon boat display pad areas.

c. The presumed mechanically dug trench can be easily seen from US-31 and it is certainly within the combined 125 feet right-of-way/setback area. Could it be that this trench drains the pooled water away from the wetland? Have the proper EGLE permits been obtained to drain wetlands? **Rather than saying, "It's not our job to enforce EGLE regulations", Hayes Township should ask EGLE for an official ruling at the applicant's expense.**

7. It appears that "existing trees and site vegetation" were removed at some time and the ground was filled-in and elevated when the boat pads were constructed **contrary** to the preservation guidelines in Sections 3.19.5.D, 5.03.5.A.2, and 5.03.5.A.3.

8. There are **no specific** Outdoor Lighting and Signs information provided. Sections 3.20 and 3.21.

9. **Master Plan Surveys:** The Hayes Township Master Plan surveys conducted during the latter part of 2024 and prepared during the early part of 2025, **as well as prior surveys**, provide very detailed feedback from Hayes Township property owners about how they want to see and experience Hayes Township and its development. The last paragraph in the executive summary states **"The survey results indicate a strong community desire to preserve the scenic and rural character of Hayes Township while accommodating managed growth and development."** The DeWitt Marine commercial development appears to be in direct non-conformance with this strong community desire, as well as the **Compatibility with Natural Environment** standard, Section 6.02.4.E.

Conclusion: All aspects of DeWitt Marine's commercial site development and ongoing proposed operation must be thoroughly investigated and the **Findings of Fact** well documented, prior to the careful and prudent review by the Hayes Township Planning Commission. **This Special Use Permit application is unacceptable!!!** Significant project development **failures in many areas must be satisfactorily addressed.** Thank you.

Hayes Township

Charlevoix County

Notice of Public Hearing

The Hayes Township Planning Commission will hold a Public Hearing on Tuesday, June 17, 2025 at 7:00p.m. at the Hayes Township Hall 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720 to accept comments from the public regarding a proposed amendment to previous approval of a Special Use Permit made based on newly discovered information as it relates to jurisdiction of Road Right of Way, MDOT under Section 9.04 Hayes Township Zoning Ordinance.

Comments may be submitted in writing or verbally at the meeting or submitted prior to the meeting by mail to Hayes Township Planning Commission, 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720, or by email to Zoning@hayestownshipmi.gov no later than 4:00 pm on Monday, June 16, 2025.

Tax Identification Number 15-007-118-015-50 & 60

Located on 11758 US 31 North, Charlevoix MI 49720

Zoning District: Neighborhood Commercial

Applicant: Dewitt Marine

Hayes Township-Notice of Public Hearing

Hayes Township
Charlevoix County

Notice of Public Hearing

The Hayes Township Planning Commission will hold a Public Hearing on Tuesday, June 17, 2025 at 7:00p.m. at the Hayes Township Hall 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720 to accept comments from the public regarding a proposed amendment to previous approval of a Special Use Permit made based on newly discovered information as it relates to jurisdiction of Road Right of Way, MDOT under Section 9.04 Hayes Township Zoning Ordinance.

Comments may be submitted in writing or verbally at the meeting or submitted prior to the meeting by mail to Hayes Township Planning Commission, 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720, or by email to Zoning@hayestownshipmi.gov no later than 4:00 pm on Monday, June 16, 2025.

Tax Identification Number 15-007-118-015-50 & 60
Located on 11758 US 31 North, Charlevoix MI 49720
Zoning District: Neighborhood Commercial

Applicant: Dewitt Marine

May 30 2025

LPET0303210

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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.

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

Public Comment Open at 7:16pm

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

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

- 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.

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

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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. 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

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

178

within or bordering the subject project. **YES**

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

- 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~~

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

228

(ground and surface), noise and the scale of development in terms of the surrounding environment. **YES**

229

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

- 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.

Hayes Township Planning Commission

May 6th, 2024

Public Hearing

Hayes Township Hall

9195 Major Douglas Sloan Rd.

Charlevoix, MI 49720

- 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

Hayes Township Planning Commission

May 6th, 2024

Public Hearing

Hayes Township Hall

9195 Major Douglas Sloan Rd.

Charlevoix, MI 49720

special land use is granted. **PHASE 2 AND 3 YES**

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

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

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

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

Yeas: Mark Snyder, CT Martin, Roy Griffiths, 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 8:43

Comments Included:

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

Public Comment Closed at 8:51

PLANNING COMMISSION COMMENT:

Mr. Martin supports Dewitt Marine at this location.

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

Hayes Township Planning Commission
May 6th, 2024
Public Hearing
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

365

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

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

369 Nays: none **Motion Carries**

370

371

372 Respectfully Submitted by:

373 April Hilton

374 Deputy Clerk/Recording Secretary

375

376

377

378

379



INDIVIDUAL CONSTRUCTION PERMIT

For Operations within State Highway Right-of-Way

Issued To:
Forward Inking

3691 Cass Rd
Traverse City MI 49684

Contact:
Byron Pettigrew
231-343-0302(O) 231-343-0302(Cell)
byron@forwardinking.com

Permit Number: 15012-106959-24-120224
Permit Type: Individual Application
Permit Fee: \$.00
Effective Date: Dec 02, 2024 to Dec 02, 2025
Bond Numbers:
Liability Insurance Expiration Date:

Contractor:
Forward Inking

3691 Cass Rd
Traverse City MI 49684

Contact:
Byron Pettigrew

231-343-0302(O) 231-343-0302(Cell)
byron@forwardinking.com

THIS PERMIT IS VALID ONLY FOR THE FOLLOWING PROPOSED OPERATIONS:

PURPOSE:

We are working on a road sign project for Mark at DeWitt Marine in Charlevoix. Because of the expanded ROW on that section of 31, Hayes Township has indicated we need to reach out to you for permission from MDOT to place the sign within the ROW. There's no practical placement for the sign outside of the ROW and we have noticed that the adjacent property has a newer sign that is placed with be within the ROW and we are hoping you'll grant written permission for the same for DeWitt.

The sign we will be installing is a basic post and panel setup constructed of two 4x4 posts. There will be no electrical needed at the sign or any type of permanent mounting that would make this difficult to move in the future.

We are ideally hoping to place the sign 24' back from the white line, which is the same placement as the existing storage unit sign on the adjacent property.

I've attached a couple of pictures to this email for reference. You'll see the existing sign for the storage units that I'm referencing, as well as one photo of DeWitt's property that had an existing 4x4 post still in the ground (likely from a previous sign of some sort?). Our intent is to put the new sign for DeWitt where that 4X4 post currently is.

STATE ROUTE: US-31 **TOWNSHIP OF:** Hayes **COUNTY:** Charlevoix County

NEAREST INTERSECTION:	SIDE OF ROAD:	DISTANCE TO NEAREST INTERSECTION:	(in feet)	DIRECTION TO NEAREST INTERSECTION:
North Star Dr	E	100.00		South

CONTROL SECTION:	MILE POINT FROM:	MILE POINT TO:	LOCATION:			
			LEFT	MEDIAN	RIGHT	TRANSVERSE
15012	3.050	3.050	☐	☐	☒	☐

REQUISITION NUMBER: **WORK ORDER NUMBER:** **MDOT JOB NUMBER:** **ORG JOB NUMBER:**

15012-106959-24-120224 Issued To:Forward Inking

This permit is incomplete without "General Conditions and Supplemental Specifications"

I certify that I accept the following:

1. I am the legal owner of this property or facility, the owner's authorized representative, or have statutory authority to work within state highway Right-of-Way.
 2. Commencement of work set forth in the permit application constitutes acceptance of the permit as issued.
 3. Failure to object, within ten (10) days to the permit as issued constitutes acceptance of the permit as issued.
 4. If this permit is accepted by either of the above methods, I will comply with the provisions of the permit.
 5. I agree that Advance Notice for Permitted Activities shall be submitted **5 days prior** to the commencement of the proposed work.
- I agree that Advance Notice for Permitted Utility Tree Trimming and Tree Removal Activities shall be submitted **15 days prior** to the commencement of the proposed work for an annual permit.

CAUTION

**Work shall NOT begin until the Advance Notice has been approved.
Failure to submit the advance notice may result in a Stop Work Order.**

Forward Inking

Christopher Young
MDOT

December 02, 2024
Approved Date

TSC Contact Info

Gaylord TSC

(989) 731-5090

THE STANDARD ATTACHMENTS, ATTACHMENTS AND SPECIAL CONDITIONS MARKED BELOW
ARE A PART OF THIS PERMIT.

STANDARD ATTACHMENTS:

- 1 ENVIRONMENTAL REQUIREMENTS FOR ACTIVITIES WITHIN MDOT RIGHT-OF-WAY (2486)
- 2 Historical and Archaeological Discoveries During Construction Operations Updated 03/22 (Const. Advisory H
- 3 General Conditions (General Conditions)

ADDITIONAL ATTACHMENTS:

- 1 NOTICE TO PERMIT HOLDER.pdf
- 2 SPECIAL CONDITIONS FOR UTILITY WORK IN MDOT RIGHT-OF-WAY.pdf
- 3 Shoulder Closure 2 Lane.pdf
- 4 106959 Dewitt Marine Sign Permit Application rev 1.pdf

AMENDMENT ATTACHMENTS:

15012-106959-24-120224 Issued To:Forward Inking

SPECIAL CONDITIONS:

- 1 The Department of Transportation does not, by issuance of this permit, assume any liability claims or maintenance costs resulting from the Activity or facility placed by this permit. The Department reserves the right to require removal of all or any portion of this facility as needed for highway maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permitted or other party. The permitted will defend, indemnify and hold harmless the Department for any claims whatsoever resulting from the construction or the removal of the authorized by this permit.
- 2 MDOT does not allow work in adverse weather conditions. MDOT will allow winter work if the pavement is dry and there is no precipitation currently or forecasted for the work period. Work is not allowed if snow or slush is in between the wheel tracks, making it a hazard for vehicles to change lanes.



Feature Info

PIN: 007-118-015-50
Address: 4044 NORTH STAR DRIVE
Parcel Link: 007-118-015-50
(<https://cms.revize.com/revize/apps/charlevoixcounty/viewparcel.php?pnun=007-118-015-50>)



Measure

Measure distances

Click to start drawing line

TOTAL DISTANCE 305

Reset



CREATED WITH MANGO

([https://mangomap.com/?](https://mangomap.com/?utm_source=mango&utm_medium=map&utm_campaign=map)

[utm_source=mango&utm_medium=map&utm_campaign=map](https://mangomap.com/?utm_source=mango&utm_medium=map&utm_campaign=map))

© 2025 Charlevoix County

Mailed on May 2nd 2025



OFFICE OF ZONING ADMINISTRATOR
09195 MAJOR DOUGLAS SLOAN ROAD
CHARLEVOIX, MICHIGAN 49720
231.547.6961
WWW.HAYESTOWNSHIPMI.GOV

January 8th, 2025

Mark McCool
Dewitt Marine
6509 Crystal Springs road
Bellaire, MI 49615
Parcel # 007-118-015-50 & 007-118-015-60

It has come to our attention that watercraft has been relocated back to the display pads along US 31. In your presentation to the Planning Commission for Special Use Permit on May 6th, 2024, you indicated the request was to display the boats seasonally. Typically, in this area, and in our zoning ordinance, seasonally refers to the summer season.

Later in the meeting, the Zoning Administrator ask specifically if the request was for year around. Your response was that the request was for seasonal display.

This was the information the Planning Commission based their decision on approving the Special Use Permit.

Having the boats on display during non-seasonal periods violates the terms of the Special Use Permit.

To address this violation we request that you re-locate all watercraft in the off season.

Please call or email a response to this letter within 10 days of this letter date and If you have any questions please call 231-547-6961 or email zoning@hayestownshipmi.gov.

Best Regards ,

April Hilton
Hayes Township Zoning Administrator Assistant



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Seasonal display

1 message

Mark McCool <mark@dewittmarine.com>

Mon, Jan 20, 2025 at 1:31 PM

To: zoning@hayestownshipmi.gov

Good morning,

I have received your letter advising about the seasonal display for our inventory located along US 31, across from the golf course. At the time of this letter, I was currently out of the country, however I did make a phone call back and discussed with your secretary about the misunderstanding.

I did advise in the zoning meeting and agreed that these display pads would be used for "seasonal display". However, I do not recall any dates that were set as the definition of a season and the time frame it exists in and when boats were not allowed to be there. It was also not explained to me that Hayes township's "seasonally" refers to the summer season only. This would be the first I am hearing what your definition of a season would be. There may have been an interpretation on your end as to a season being just the summer on my end because I am in the marine industry, but my business has several seasons in it. For example, we displayed boats during the summer months, which is our "selling season". Then we removed them in the fall and they remained empty for a short period of time. Later in the year, we brought four boats back that were shrink wrapped. That is because as a marina, we have a "storage and shrink wrap season". Soon in February, our "boat show season" begins and then the summer selling season resumes again. This is what I meant when saying the display pads will only be used seasonally. I am sorry that I didn't explain to you that "seasonally" to me, is expanded beyond just summer use.

Another point I would like to discuss is I also thought that I was not in violation, for I was approved for boat storage there. These shrink wrapped boats are boats in storage for us too. To my understanding, It wasn't discussed in the meeting that I could not store boats for storage purposes on those pads during our boat storage season. Our boat storage season typically goes from late November, to the end of March.

My first and main goal is to be respectful and compliant of all agreed upon rules. I do not like to be in the practice of doing now and asking for forgiveness later and I am extremely thankful to you guys and the efforts you put forth on assisting me through these processes and learning curves I've encountered. If I truly am in violation of the agreed upon discussions in our meeting, I will certainly make it right. However, with this communication and explanation of our operation, the pads not being used year round, but just during these seasons, along with our lessee and MDOT not having an issue, can we continue to conduct business as we have been doing thus far? I am now back in the country and available to meet if this would be more helpful. I can be flexible to your schedule if you would like to discuss this further. Please let me know what it is you would like me to do.

Regards,

Mark McCool



Dewitt Marine Inc.
6509 Crystal Springs Road
Bellaire, MI 49615
231.377.6611

Ask me about becoming a member of [Boat Club!](#)

LIKE US!
[Facebook](#)

1/22/25, 11:29 AM

Gmail - Seasonal display

CONFIDENTIALITY NOTICE: This message and any attachment contain confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this message in error, please notify us immediately by return e-mail and delete this message and any attachment from your system.



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Seasonal display

Mark McCool <mark@dewittmarine.com>

Wed, Jan 22, 2025 at 12:44 PM

To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

That makes perfect sense and I will absolutely comply with your decisions. Can I ask if you would consider allowing the winter season months to use the pads? Our storage and shrink wrap season makes up a large part of our business income. I am just trying to get the best use out of that location and advertisement is crucial and those pads help me with that. We have received many calls from the Charlevoix area in regards to our shrink wrapping and storage program and are now considering doing shrink wrap on sight this coming late fall and storing new Charlevoix customer boats there. It's been great meeting new excited customers who are interested in using our services. These pads with the currently displayed shrink wrapped boats have absolutely helped with this growth. It would be great if I could continue to use that property and what it offers to its fullest potential.

[Quoted text hidden]



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Seasonal display

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Wed, Jan 22, 2025 at 12:27 PM

To: Mark McCool <mark@dewittmarine.com>

Hello,

The only concern at this time are the boats on the parking pads this time of year versus what the Planning Commission interprets as seasonal. The sales and storage of boats on the site as the Planning Commission approved are considered year round as long as they are located behind the service road.

Again our only concern are the boats located on the pads during the off season.

Thank you!

[Quoted text hidden]

Ron VanZee-Hayes Township Zoning Admin.
April Hilton - Hayes Township Zoning Admin. Assistant
Phone: 231-547-6961
Email: Zoning@hayestownshipmi.gov



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Fwd: Phases

1 message

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Mon, Apr 15, 2024 at 6:44 AM

To: April Hilton <deputyclerkhayes@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: Mark McCool <mark@dewittmarine.com>**Date:** April 12, 2024 at 10:27:57 AM EDT**To:** zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>**Subject:** Phases

Good afternoon Ron,

I wanted to send these over to you to see if they are efficient enough for the meeting on May 6th. I tried to include all of the requested info that you had in the three laid out phases, however I am more than happy to change anything to make them better. Please let me know your thoughts.

Phase One-

1. Four established 12'x30' pads, in between the easement and HWY. These pads will not interrupt the MDOT easement. These pads are 20' from the property line and 40' from the front property line. These four spaces will be used for the display of boats.
2. Gravel parking lot that is approximately 45'x170', including two driveway entrances off of the easement road. This space will be used for the display of boats.
3. A 12'x26' utility shed will be placed on the eastern side of the parking lot. This shed will be used to store miscellaneous items for boat cleaning and sales equipment. Staff will also utilize this space as a temporary office space to conduct their work. There will be no power hook up to this building, but instead powered by a generator. The northern edge of the property to the building is 140' and the eastern (backside of the shed) to the backside of the property is 160'.
4. An outhouse will be placed on sight for employee use only.
5. A permanent sign will be established at some time during phase one, along the US31 roadway, outside of the MDOT easement. The location and size at this time. Forward Inking is the contractor hired for this project and will resume responsibility for permits and compliance during this phase.
(Please refer to "Phase One" for property layout and dimensions)

Phase Two-

1. An indoor sales room, service shop and parts store will be built. The building size is proposed to be 60'x80', but may be subject to change in size to larger I.E. 80'x100'. This building will be occupied by about 6-10 employees, year round.
2. A black top parking lot will be established to the North and East of the new building. The parking lot size will be 120'x210' (less the space of the building). The parking lot edges will be within compliance for the distances from the edges of the property lines. This parking lot will be used for customer/employee parking, in addition to sales boats on display.
3. Utility hookups such as water, sewer, and electrical will be conducted.
4. Storage of shrink wrapped boats will be placed in vacant areas in the parking lot and on the property during winter times
(please refer to attachment "Phase Two" for property line dimensions)

Phase Three-

1. Construction of a large storage barn, uninsulated and not to exceed the height of 35', will be done. The proposed dimensions will be approximately 100'x160'. Inside the building will be rack storage for boats. (please refer to "Phase Three" attachment for dimensions)

Regards,

Mark

--



Dewitt Marine Inc.
6509 Crystal Springs Road
Bellaire, MI 49615
231.377.6611

Ask me about becoming a member of [Boat Club!](#)

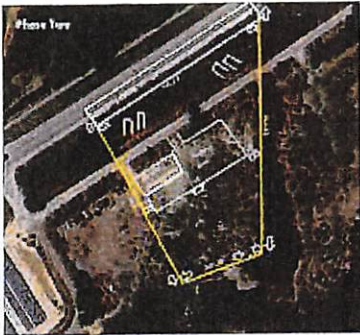
LIKE US!
[Facebook](#)

CONFIDENTIALITY NOTICE: This message and any attachment contain confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this message in error, please notify us immediately by return e-mail and delete this message and any attachment from your system.

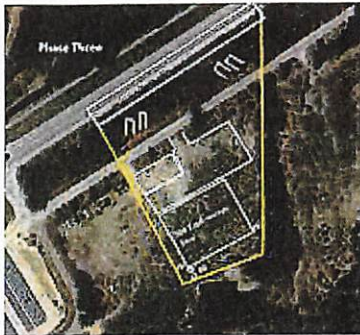
4 attachments



Phase 1.png
942K

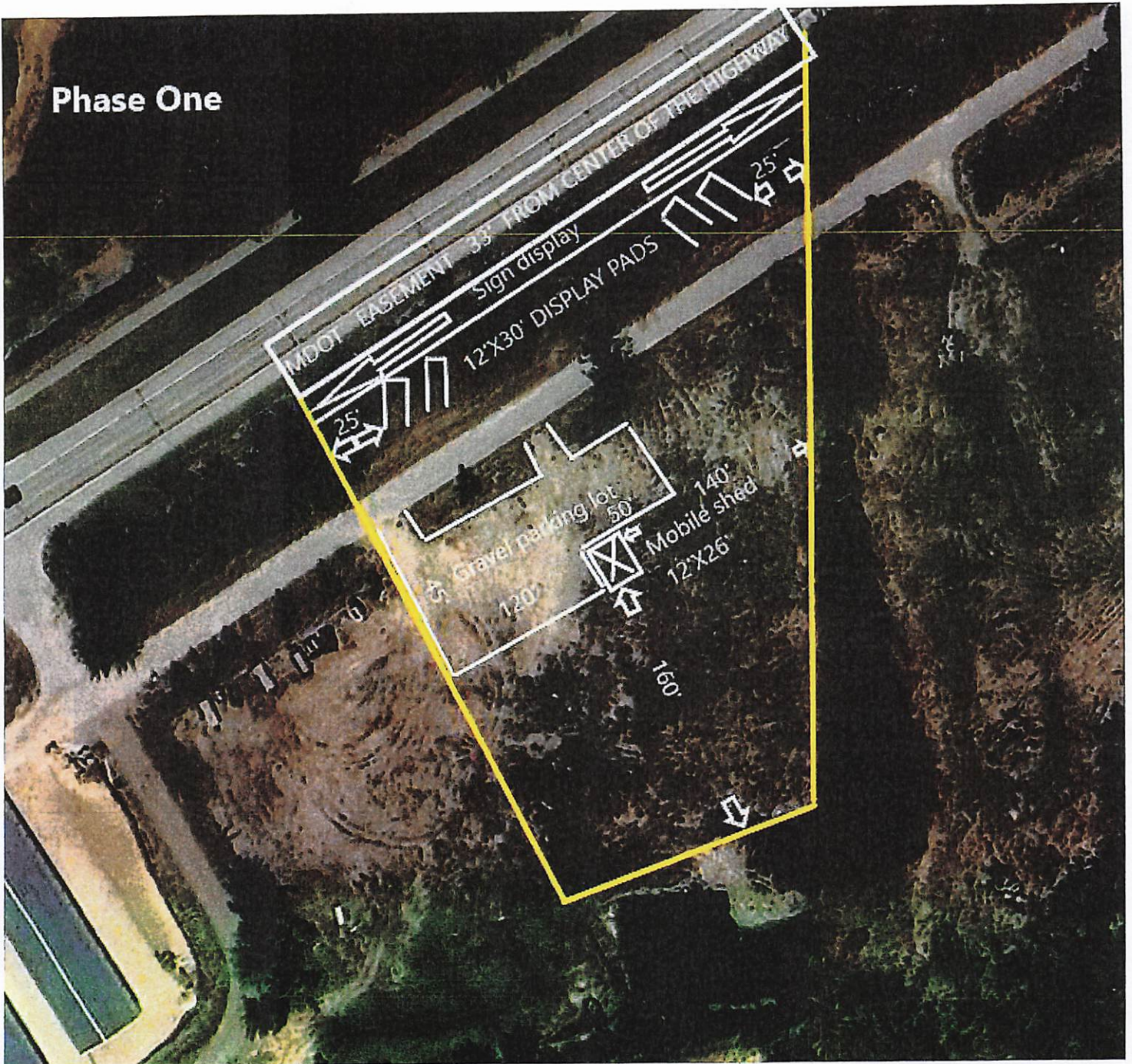


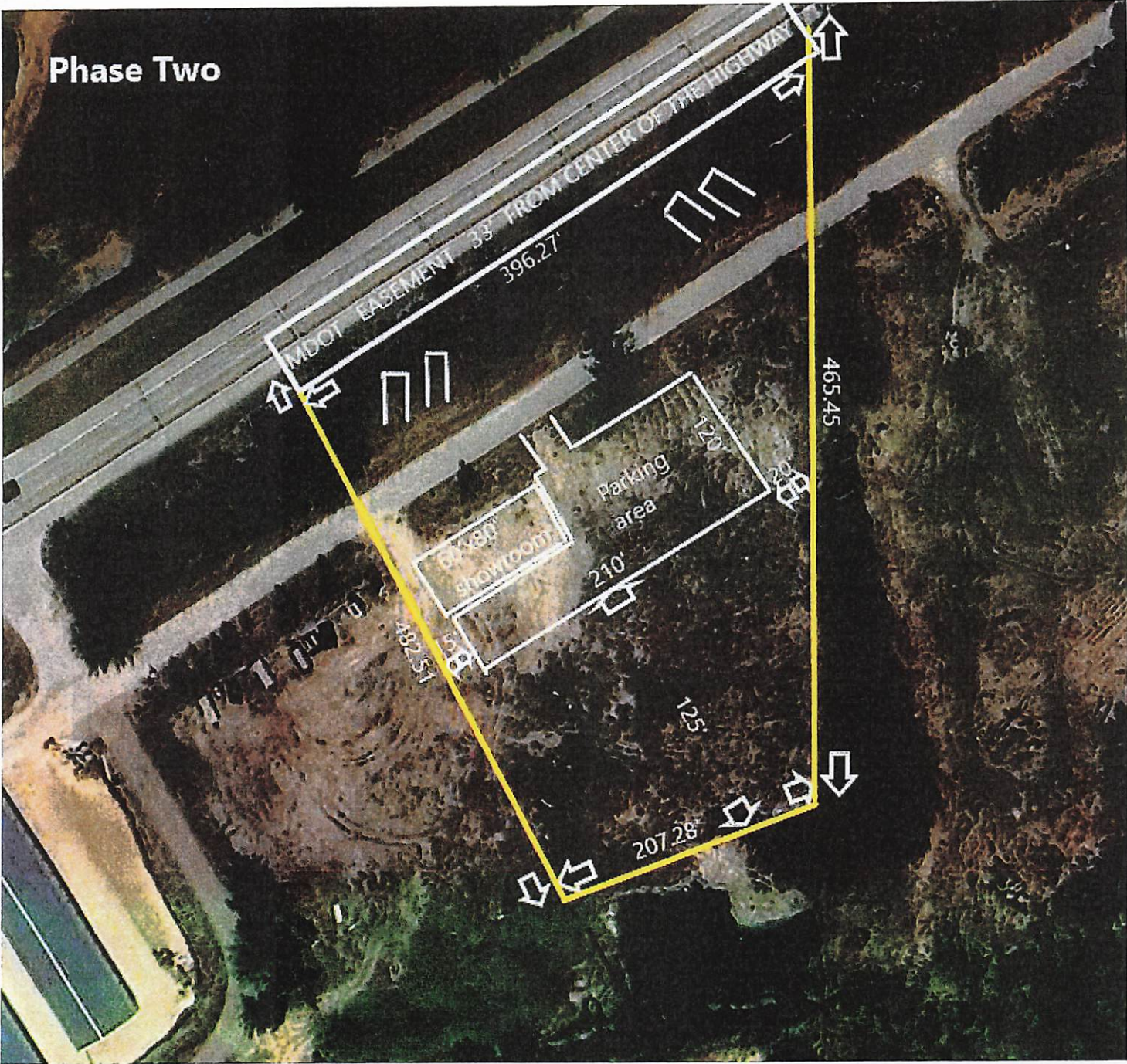
Phase two.png
938K

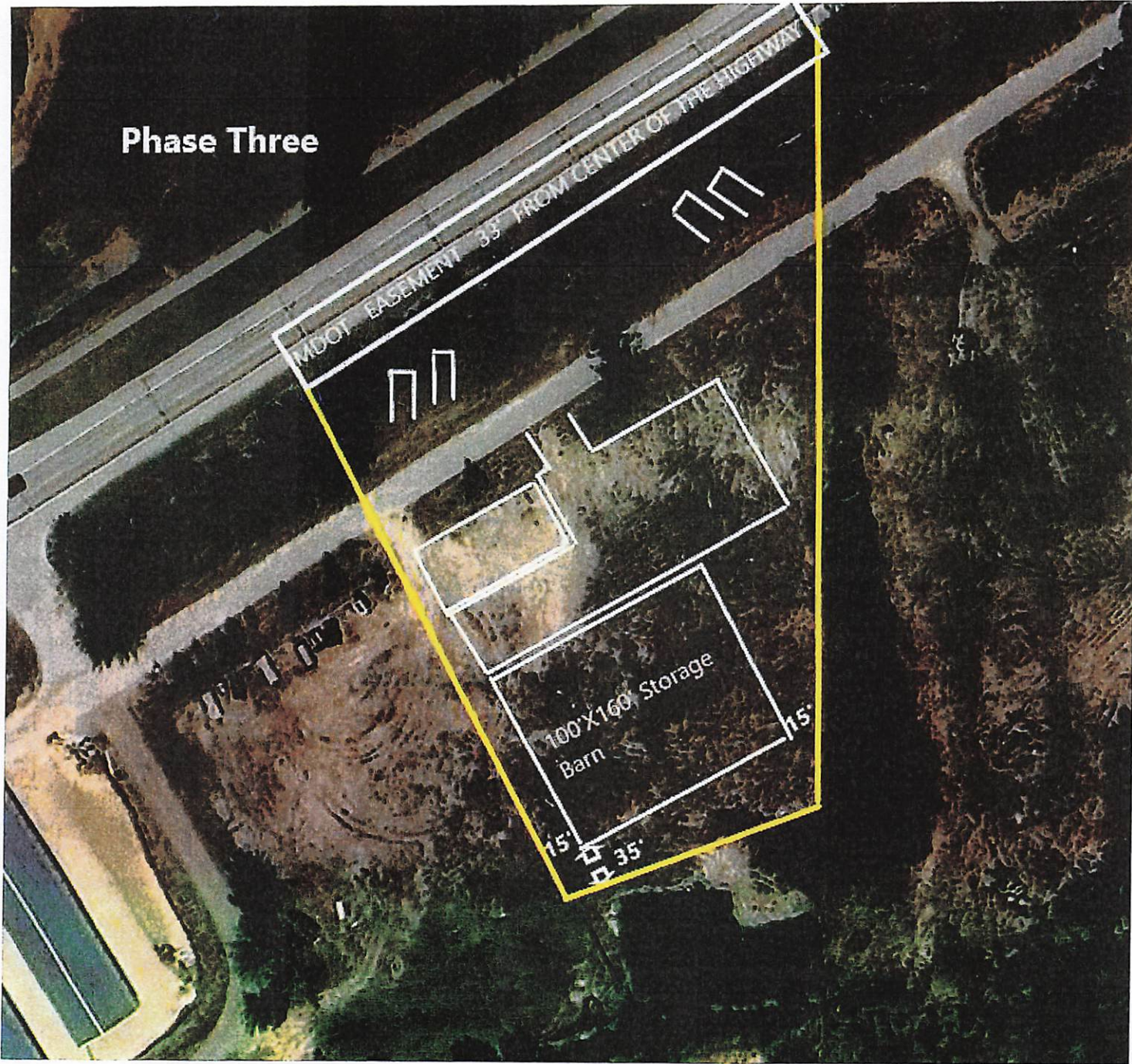


Phase Three.png
933K

 CHARLEVOIX (2) Survey.pdf
164K









CERTIFICATE OF BOUNDARY SURVEY
CERTIFIED TO: DONN VIDOSH

SHEET NO. 1 OF 3

SCALE 1" = 150'

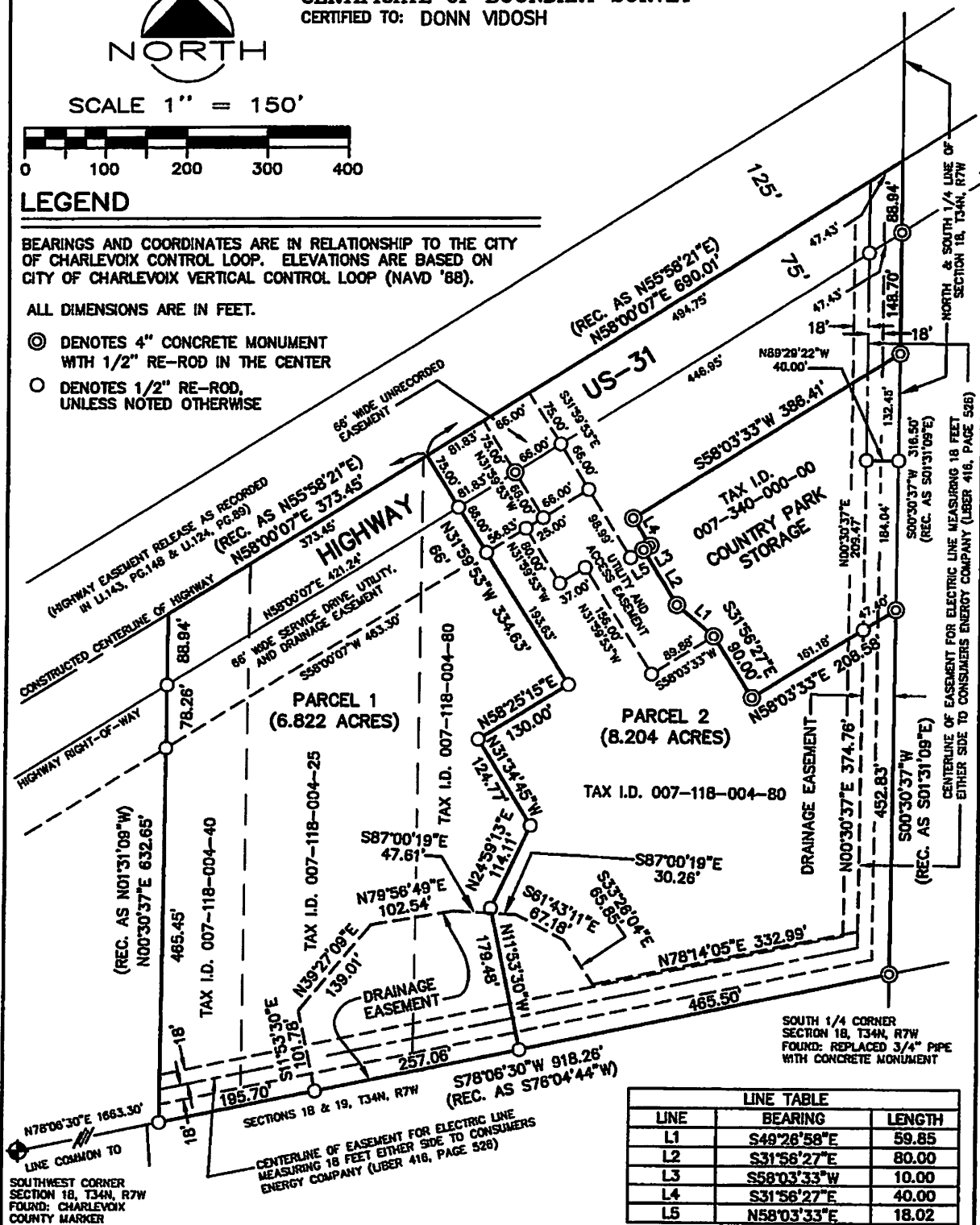


LEGEND

BEARINGS AND COORDINATES ARE IN RELATIONSHIP TO THE CITY OF CHARLEVOIX CONTROL LOOP. ELEVATIONS ARE BASED ON CITY OF CHARLEVOIX VERTICAL CONTROL LOOP (NAVD '88).

ALL DIMENSIONS ARE IN FEET.

- ⊙ DENOTES 4" CONCRETE MONUMENT WITH 1/2" RE-ROD IN THE CENTER
- DENOTES 1/2" RE-ROD, UNLESS NOTED OTHERWISE



JOHN E. FERGUSON P.S. No. 24595

I HEREBY CERTIFY that I have surveyed and mapped the property hereon delineated and that the ratio of position closure of the unadjusted field data exceeds 1:5000; and that it complies with P.A. 132, 1970.

FIELD: STAKED: DRAWN: DDH
JOB: SB-20403c.05 DATE: 10/14/08

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.

PROFESSIONAL SURVEYORS

103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720

(231) 547-6882 - FAX (231) 547-0021

EMAIL: survey@freeway.net

October 14, 2008

DESCRIPTION FOR: DONN VIDOSH
Job No. SB-20403c-05(08)

PARCEL 1:

In the Township of Hayes, Charlevoix County, Michigan,
Commencing at a concrete monument at the South 1/4 corner of
Section 18, Town 34 North, Range 7 West; thence along the South
line of said section, South 78°06'30" West (recorded as South
76°04'44" West) 465.50 feet to a 1/2 inch rod, being the POINT OF
BEGINNING of this description; thence continuing along said section
line, South 78°06'30" West (recorded as South 76°04'44" West)
257.06 feet to a 1/2 inch rod at the Southwest corner of a drainage
easement; thence continuing along said section line, South
78°06'30" West (recorded as South 76°04'44" West) 195.70 feet to a
1/2 inch rod; thence North 00°30'37" East (recorded as North
01°31'09" West) 465.45 feet to a 1/2 inch rod on the Southeasterly
line of a 66 foot wide service drive, utility and drainage
easement; thence continuing North 00°30'37" East (recorded as North
01°31'09" West) 78.26 feet to a 1/2 inch rod on the Southeasterly
line of Highway U.S. 31; thence continuing North 00°30'57" East
(recorded as North 01°31'09" West) 88.94 feet to the centerline of
said highway; thence along the centerline of said highway, North
58°00'07" East (recorded as North 55°58'21" East) 373.45 feet;
thence South 31°59'53" East 75.00 feet to a 1/2 inch rod on the
Southeasterly line of said highway; thence continuing South
31°59'53" East 66.00 feet to a 1/2 inch rod on the Southeasterly
line of said service drive, utility and drainage easement; thence
continuing South 31°59'53" East 193.63 feet to a 1/2 inch rod;
thence South 58°03'33" West 130.00 feet to a 1/2 inch rod; thence
South 31°34'45" East 124.77 feet to a 1/2 inch rod; thence South
24°59'13" West 114.11 feet to a 1/2 inch rod; thence South
11°53'30" East 179.48 feet to the Point of Beginning; being a part
of the Southwest 1/4 of Section 18, Town 34 North, Range 7 West,
and containing 6.822 acres within the perimeter of the courses
herein described.

Subject to the rights of the public and of any governmental unit in
any part thereof taken, used or deeded for street, road or highway
purposes.

John E. Ferguson, P.S. No. 24595

October 14, 2008

DESCRIPTION FOR: DONN VIDOSH
Job No. SB-20403c-05(08)

PARCEL 2:

In the Township of Hayes, Charlevoix County, Michigan,
BEGINNING at a concrete monument at the South 1/4 corner of Section 18, Town 34 North, Range 7 West; thence along the South line of said section, South 78°06'30" West (recorded as South 76°04'44" West) 465.50 feet to a 1/2 inch rod; thence North 11°53'30" West 179.48 feet to a 1/2 inch rod; thence North 24°59'13" East 114.11 feet to a 1/2 inch rod; thence North 31°34'45" West 124.77 feet to a 1/2 inch rod; thence North 58°25'15" East 130.00 feet to a 1/2 inch rod; thence North 31°59'53" West 193.63 feet to a 1/2 inch rod on the Southeasterly line of a 66 foot wide service drive, utility and drainage easement; thence continuing North 31°59'53" West 66.00 feet to a 1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence continuing North 31°59'53" West 75.00 feet to the centerline of said highway; thence along the centerline of said highway, North 58°00'07" East (recorded as North 55°58'21" East) 690.01 feet to the North and South 1/4 line of said section; thence along said 1/4 line, South 00°30'37" West (recorded as South 01°31'09" East) 88.94 feet to a concrete monument on the Southeasterly line of said highway; thence continuing along said 1/4 line, South 00°30'37" West (recorded as South 01°31'09" East) 148.70 feet to a concrete monument at the Northeast corner of COUNTRY PARK STORAGE CONDOMINIUM; thence along the Northwesterly line of said condominium, South 58°03'33" West 386.41 feet to a concrete monument; thence along the Southwesterly line of said condominium the following five (5) courses to concrete monuments: South 31°56'27" East 40.00 feet, South 58°03'33" West 10.00 feet, South 31°56'27" East 80.00 feet, South 49°26'58" East 59.85 feet, and South 31°56'27" East 90.00 feet; thence along the Southeasterly line of said condominium, North 58°03'33" East 161.18 feet to a 1/2 inch rod on the West line of a 40 foot wide drainage easement; thence continuing along said condominium line North 58°03'33" East 47.40 feet to a concrete monument at the Southeasterly corner of said condominium; thence along said 1/4 line, South 00°30'37" West (recorded as South 01°31'09" East) 452.83 feet to the Point of Beginning; being a part of the Southwest 1/4 of Section 18, Town 34 North, Range 7 West, and containing 8.204 acres within the perimeter of the courses herein described.
Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

John E. Ferguson, P.S. No. 24595

COUNTRY PARK STORAGE
REPLAT NO. 1
January 4, 2006

UTILITY AND ACCESS EASEMENT DESCRIPTION:

In the Township of Hayes, Charlevoix County, Michigan, Commencing at a concrete monument at the South 1/4 corner of Section 18, Town 34 North, Range 7 West; thence along the North and South 1/4 line of said section, North 00°30'37" East (recorded as North 01°31'09" West) 452.83 feet to a concrete monument; thence South 58°03'33" West 47.40 feet to a 1/2 inch rod in the centerline of a 36.0 foot wide Consumers Energy Company easement as recorded in Liber 416, Page 526, Charlevoix County records; thence continuing South 58°03'33" West 161.18 feet to a concrete monument; thence North 31°56'27" West 90.00 feet to a concrete monument, being the POINT OF BEGINNING of this description; thence South 58°03'33" West 89.88 feet; thence North 31°59'53" West 156.00 feet; thence South 58°00'07" West 37.00 feet; thence North 31°59'53" West 80.00 feet to the Southeasterly line of a 66 foot wide Service Drive, Utility, and Drainage Easement; thence along said easement line, North 58°00'07" East 91.00 feet; thence South 31°59'53" East 98.99 feet; thence North 58°03'33" East 18.02 feet to a concrete monument; thence South 31°56'27" East 80.00 feet to a concrete monument; thence South 49°26'58" East 59.85 feet to the point of beginning; being a part of the Southwest 1/4 of Section 18, Town 34 North, Range 7 West, and containing 0.429 acres within the perimeter of the courses herein described.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

COUNTRY PARK STORAGE
REPLAT NO. 1
January 4, 2006

PROPOSED FUTURE DEVELOPMENT AREA:

In the Township of Hayes, Charlevoix County, Michigan,
BEGINNING at a concrete monument at the South 1/4 corner of
Section 18, Town 34 North, Range 7 West; thence along the South
line of said section, South 78°06'30" West (recorded as South
76°04'44" West) 918.26 feet to a 1/2 inch rod; thence North
00°30'37" East (recorded as North 01°31'09" West) 465.45 feet to a
1/2 inch rod on the Southeasterly line of a 66 foot wide service
drive, utility and drainage easement; thence continuing North
00°30'37" East (recorded as North 01°31'09" West) 78.26 feet to a
1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence
continuing North 00°30'57" East (recorded as North 01°31'09" West)
88.94 feet to the centerline of said highway; thence along the
centerline of said highway, North 58°00'07" East (recorded as
North 55°58'21" East) 1063.46 feet to the North and South 1/4 line
of said section; thence along said 1/4 line, South 00°30'37" West
(recorded as South 01°31'09" East) 88.94 feet to the Southeasterly
line of said highway; thence continuing South 00°30'37" West
(recorded as South 01°31'09" East) 148.70 feet to a concrete
monument; thence South 58°03'33" West 386.41 feet to a concrete
monument; thence South 31°56'27" East 40.00 feet to a concrete
monument; thence South 58°03'33" 10.00 feet to a concrete
monument; thence South 31°56'27" East 80.00 feet to a concrete
monument; thence South 49°26'58" East 59.85 feet to a concrete
monument; thence South 31°56'27" East 90.00 feet to a concrete
monument; thence North 58°03'33" East 208.58 feet to a concrete
monument on said 1/4 line; thence along said 1/4 line, South
00°30'37" West (recorded as South 01°31'09" East) 452.83 feet to
the Point of Beginning; being a part of the Southwest 1/4 of
Section 18, Town 34 North, Range 7 West, and containing 11.952
acres within the perimeter of the courses herein described.
Subject to the rights of the public and of any governmental unit
in any part thereof taken, used or deeded for street, road or
highway purposes.

COUNTRY PARK STORAGE
REPLAT NO. 1
January 4, 2006

CONDOMINIUM PROPERTY DESCRIPTION:

In the Township of Hayes, Charlevoix County, Michigan, Commencing at a concrete monument at the South 1/4 corner of Section 18, Town 34 North, Range 7 West; thence along the North and South 1/4 line of said section, North 00°30'37" East (recorded as North 01°31'09" West) 452.83 feet to a concrete monument, being the POINT OF BEGINNING of this description; thence South 58°03'33" West 47.40 feet to a 1/2 inch rod in the centerline of a 36.0 foot wide Consumers Energy Company easement as recorded in Liber 416, Page 526, Charlevoix County records; thence continuing South 58°03'33" West 161.18 feet to a concrete monument; thence North 31°56'27" West 90.00 feet to a concrete monument; thence North 49°26'58" West 59.85 feet to a concrete monument; thence North 31°56'27" West 80.00 feet to a concrete monument; thence North 58°03'33" East 10.00 feet to a concrete monument; thence North 31°56'27" West 40.00 feet to a concrete monument; thence North 58°03'33" East 386.41 feet to a concrete monument on said 1/4 line; thence along said 1/4 line, South 00°30'37" West (recorded as South 01°31'09" East) 316.50 feet to the point of beginning; being a part of the Southwest 1/4 of Section 18, Town 34 North, Range 7 West, and containing 1.852 acres within the perimeter of the courses herein described. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

July 20, 2005

DESCRIPTION FOR: JOHN LA FATA
Job No. SC-20403c-05

NEW RESIDENTIAL PHASE:

In the Township of Hayes, Charlevoix County, Michigan,
Commencing at a concrete monument at the South 1/4 corner of
Section 18, Town 34 North, Range 7 West; thence along the South
line of said section, South 78°06'30" West (recorded as South
76°04'44" West) 177.73 feet, being the POINT OF BEGINNING of this
description; thence North 29°21'35" West 334.49 feet; thence North
01°16'55" West 49.51 feet; thence North 57°53'35" East 57.84 feet;
thence North 11°57'09" West 70.48 feet; thence North 30°53'10" West
83.06 feet; thence South 33°57'48" West 159.74 feet; thence South
48°15'08" West 58.60 feet; thence South 40°35'38" West 71.06 feet;
thence along the arc of a curve to the right 30.88 feet (radius of
said curve is 50.00 feet, the central angle is 35°23'18", and the
chord bears South 58°17'17" West 30.39 feet); thence South
75°58'56" West 50.73 feet; thence along the arc of a curve to the
left 47.24 feet (radius of said curve is 100.00 feet, the central
angle is 27°04'07", and the chord bears South 62°26'53" West 46.81
feet); thence South 48°54'50" West 36.01 feet; thence along the arc
of a curve to the right 116.25 feet (radius of said curve is 150.00
feet, the central angle is 44°24'16", and the chord bears South
71°06'58" West 113.36 feet); thence North 86°40'54" West 8.42 feet;
thence along the arc of a curve to the right 39.53 feet (radius of
said curve is 60.00 feet, the central angle is 37°44'51", and the
chord bears North 67°48'29" West 38.82 feet); thence North
89°29'24" West 73.69 feet; thence South 00°30'57" West (recorded as
South 01°31'09" East) 344.67 feet to the South line of said
section; thence along said section line, North 78°06'30" East
(recorded as North 76°04'44" East) 740.53 feet to the Point of
Beginning; being a part of the Southwest 1/4 of Section 18, Town 34
North, Range 7 West, and containing 5.445 acres.
Subject to the rights of the public and of any governmental unit in
any part thereof taken, used or deeded for street, road or highway
purposes.

John E. Ferguson, P.S. No. 24595

2. Property Access Requirements. The access drive shall comply with either subsection (a) or (b) below, whichever results in the least number of possible access drives, and with both subsections (c) and (d).
 - A. Not more than one driveway shall be allowed access to U.S. 31 within a lot of record, as the parcel exists on the effective date of this Ordinance, regardless of the number of future divisions of that parcel; and
 - 1) The access drive and its right-of-way shall be designed and shown on a site plan to accommodate all possible future divisions of the lot of record, as it exists on the effective date of this Ordinance; and
 - 2) The access drive and its right-of-way shall be designed and shown on a site plan to provide access to any adjoining parcel of land which would otherwise become, or is, landlocked.
 - B. The location of a driveway with access to U.S. 31 shall comply with all of the following:
 - 1) The location shall be at least seventy (70) feet from the intersection of any two roads.
 - 2) The location shall be at least two hundred (200) feet from another access drive on the same side of the road.
 - 3) The location shall be either directly across from or a minimum of fifty (50) feet from any access drive on the opposite side of the road.
 - 4) Two access drives on adjacent parcels may share the same driveway entrance, and thereby have zero space between them, but shall comply with other driveway separation distances noted above.
 - C. Where there is a choice, driveways shall access adjacent local or minor streets in preference to U.S. 31, and/or provide a rear service drive to access such local or minor street.
 - D. Access drive width shall be between twenty (20) and thirty-five (35) feet.
3. Prior to review by the Planning Commission. Any site plan for a commercial use proposing new or altered access drives onto U.S. 31 shall be accompanied by written documentation of consultation with the Michigan Department of Transportation.
4. Special Use Review for High-Traffic Uses. In addition to other provisions of this ordinance, when a high-traffic commercial use in the highway corridor adjoins an existing residential use or a residentially zoned parcel, the high-traffic use shall be subject to review as a Special Use. The designation of a proposed use as a high-traffic use shall be determined by the Planning Commission. The designation may include, but is not limited to, gasoline stations, convenience stores and businesses with drive-through service windows.
5. Landscape requirements for Commercial Uses.
 - A. **Parking areas.** In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking area shall be used for interior landscaping. Parking lot landscape areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area. A minimum of one (1) tree at least two and one-half (2.5) inches caliper (diameter at 6 inches above grade) shall be planted in each area.
 - B. **Residential buffer area.** Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, the intervening side or rear yard of the non-residential use shall provide a completely obscuring wall, fence or landscape screen at least six (6) feet in height, measured from the surface of the ground of the abutting residential district.
 - C. **General landscaping.** All developed portions of a site not occupied by buildings or

pavement shall be planted with grass, ground cover, shrubs or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northwestern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.

- D. Landscape preservation. Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.
- E. Landscape maintenance. All vegetation used to meet the landscaping requirements listed above shall be maintained in a healthy, living condition and any damaged, dead or dying materials shall be replaced within one (1) year of damage or death or the next appropriate planning period, which ever comes first.

Section 3.20 Outdoor Lighting

In order to minimize light pollution, and promote the dark sky principles, all outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all neighboring properties and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.21 Signs

The purpose of this section is to preserve the desirable character of Hayes Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes right of residents to be free of advertising that could affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit. The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface.
 - B. Street name signs, route markers and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
 - C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
 - D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and

similar instructional messages), provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

- E. Non-advertising signs marking an historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
- F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
- G. Temporary real estate signs, not exceeding ten (10) square feet per side, on individual lots advertising a premise for sale or rent.
- H. Signs advertising sales such as garage, estate, auction, moving, and yard sales, which last no more than seven (7) consecutive days, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
- I. Political and noncommercial signs, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

2. Size Restrictions.

The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business there transacted, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

<u>Use District.</u>	<u>Maximum Size of Sign per Side.</u>
Residential Districts (R-1, R-2, R-3, R-4, R-5)	Six (6) square feet
Rural Res, Agric., Cons. Reserve Districts (RR, A, CR)	Twenty-four (24) square feet
Commercial and Industrial Districts (C-1, C-2, I-1)	Thirty-two (32) square feet

3. General Sign Regulations.

In addition to the size limitations stated in Subsection 3.21.2, the following conditions shall apply to all signs and billboards erected in any use district:

- A. No sign, except non-illuminated residential name plates and signs specifically identified in subsection 1 above, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by a Planning Commission (PC) approved site development plan. After the ZA or PC approval, the required sign permit shall be issued.
- B. No signs or billboards shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
- C. Illumination of signs shall be directed, shaded or designed so as not to interfere with the vision of persons on the adjacent highway, streets or properties. The projected light shall not emanate beyond the sign and unnecessarily illuminate the night sky. Illuminated signs shall not be of the flashing, moving or intermittent type.
- D. In those instances where a business use or tourist service facility is not located directly on a major route, but is dependent upon passer-by traffic for support, not more than two (2) signs per business may be permitted in C-1, C-2 or I-1 Districts subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per six hundred sixty (660) feet of road frontage or per

lot, may be allowed, EXCEPT if the signs are directional signs as provided by the Michigan Department of Transportation or part of a local Township approved directional sign program and approved by the Zoning Administrator. No off-premise signs shall be permitted in the Residential Districts (R-1, R-2, R-3, R-4, R-5) or the Conservation Reserve District (CR).

- E. All directional signs located along the highway, to direct traffic to a business off the highway, must conform to the standards used by the Michigan Department of Transportation for such signs. Wherever possible such directional signs will be clustered.
- F. Freestanding signs, pole signs or advertising pylons may be permitted in a required front yard for uses set ten (10) feet or more behind the front property line. No freestanding sign shall exceed a maximum of twenty (20) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
- G. Both sides of any freestanding or overhanging sign may be used for display.
- H. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way (county or state).
- I. Roof position signs or billboards are specifically prohibited.
- J. The number of signs allowed will be decided by the Planning and Zoning Commission at the time of development plan review. Factors considered will include building size, location and length of street frontage, and lot size.
- K. In no case shall a sign or signs exceed a total of ten percent (10%) of the building face to which they are attached.
- L. Portable signs shall be prohibited, except where allowed for in this section or such signs have been approved by the Planning Commission as meeting a special purpose need and/or being appropriate for the particular need. Approved sandwich board portable signs shall not exceed twenty four (24) inches in width by forty eight (48) inches in height.
- M. Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
- N. In the case of Commercial Special Events, which occur no more than once every six (6) months, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with Planning Commission approval, for a period of not more than seven (7) days prior to the event and shall be removed within one (1) day of the completion of the event.
- O. In the case of seasonal recurring events, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with seasonal Planning Commission approval, such advertising devices shall not be used for a period of more than twenty-four (24) hours prior to the event and shall be removed immediately following the event.
- P. Political signs: Political signs shall be removed within five (5) days after the election.
- Q. The use of any outdoor business or informational sign erected and in use at the date this amendment is enacted, may be continued. Such signs shall be designated as "Nonconforming Signs". The maintenance, reconstruction, alteration, discontinuation, and change in the nonconforming nature of a Nonconforming Sign shall be governed by Article III, Section 3.02 – Nonconformities of this ordinance the same as for other nonconforming uses under this ordinance.

4. Off-premise signs and billboards regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972 and amendments, shall not exceed Thirty two (32) square feet in size. All other off-premise signs shall be subject to the limitations of Subsections 3.21 2 and 3.

Section 3.22 Antenna Co-location on an Existing Tower or Structure

1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 3.24 Landscaping

All plans requiring Planning Commission review and approval shall be required to provide landscaping, according to the following standards. Wherever in this Ordinance planting is required, it shall be planted prior to obtaining a Certificate of Occupancy (through the County Building Department) if possible and no later than six (6) months from date of issuance. All landscaping thereafter shall be reasonably maintained, including permanence and health of plant materials to provide a screen to adjacent properties and be free of weeds and foreign debris. Spacing and plant sizes, as required by this section shall be provided in any landscape buffer or designated planting.

1. Landscape Elements

The following minimum standards shall apply:

- A. Effective the date this subsection was amended by Ordinance No. 040918b of 2018 (April 25, 2018), Hayes Township will use the "Recommended Planting Guidelines for Municipalities," as published by the Northwest Michigan Invasive Species Network, as periodically revised, to determine what constitutes a "native species" versus an "invasive species." The list of invasive and recommended native species is available at the Township Hall and an electronic link is posted on the Township website.
- B. Only "native species" shall be used as plant materials for any type of landscaping on properties applying for a Land Use Permit after the effective date noted above.
- C. "Invasive" species shall not be allowed as plant materials. Failure to follow the "Recommended Planting Guidelines for Municipalities" may result in enforcement pursuant to Article IX: Administration and Enforcement.
- D. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- E. Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected by sod, seed, shrubs or other form of natural ground cover.
- F. Existing Trees:
 - 1) If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Planning Commission, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Planning Commission.
 - 2) In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled "to remain" are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Zoning Administrator, the owner shall replace them with trees of similar size and type.

2. Plant Material - size and spacing

- A. Plant material shall not be closer than four (4) feet from the fence line or property line, except for vines intended to grow on fence structures.
- B. Where plant materials are installed in two or more rows, planting shall be staggered to provide for maximum screening and shall consist of a mixture of evergreen and deciduous plants to provide effective year round screening.
- C. Maximum plant spacing and minimum allowable sizes shall be as follows:

General Plant Type	Maximum Spacing Center to Center (feet)		Minimum Allowable Size	
	Single Row	Grouping	Height	Caliper
Trees				
Large Deciduous (Canopy)	30	40		2 ½"
Large Evergreen	15	20	7'	
Medium-Small Deciduous	10	15		1 ½"
Columnar Deciduous	8	10	10'	
Narrow Evergreen	5	8	8'	

General Plant Type	Maximum Spacing Center to Center (feet)		Minimum Allowable Size	
	Single Row	Grouping	Height	Spread
Shrubs				
Large: Upright Spreader	4 6	6 8	4'	3'
Medium: Upright Spreader	3 4	4 6	3'	2'
Small: Upright Spreader	1 ½ 1 ½	2 2 ½	18"	15"
Conical	2	3	2'	

3. Site Landscaping

- A. In addition to any landscape buffer and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding thoroughfare right-of-way, shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials.
- B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required

landscaped area, but may not exceed five (5%) percent of the site area or one half (1/2) of the required site landscaping area.

4. Landscape Buffer

- A. A strip of land with a minimum width of fifteen (15) feet, shall be located between the buildable area and the abutting road right-of-way, and shall be landscaped with a minimum of one (1) canopy or large evergreen tree for each thirty linear feet. The remainder of the landscape buffer shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials.
- B. Access ways from public rights-of-way through the required landscape strips shall be permitted, but such access ways shall not be subtracted from the linear dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this section.

5. Parking Lot Landscaping

- A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with a minimum landscaped space within a designated parking area of fifty (50) square feet.
- B. A minimum distance of three (3) feet shall be established between proposed shrub plantings and the backside of the curb or edge of pavement, and five (5) feet between tree trunk and backside of curb and edge of pavement.
- C. Plant materials sizes shall meet or exceed the sizes specified in subsection 3.24.2.C. above.

6. Installation and Maintenance

- A. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
- B. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 3.25 Medical Use of Marihuana

- 1. The medical use of marihuana by both qualifying patients and primary caregivers, as those terms are defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, shall be a use by right in all zoning districts. Because of the confidential nature of the medical use of marihuana, no zoning permit shall be required.
- 2. A property at which a primary caregiver is providing medical marihuana services shall have no sign related to the use as a primary caregiver visible from outside the dwelling.

Section 3.26 Short Term Rentals

Short term rentals are permitted in all zoning districts as regulated by the Hayes Township Short Term Rental Ordinance.