

**HAYES TOWNSHIP  
INTERIM  
ZONING ORDINANCE**

**SUBMITTED  
AUGUST 10, 1973**

**ADOPTED  
AUGUST 27 1973**

**PREPARED BY THE HAYES TOWNSHIP  
ZONING BOARD**

**FOR THE CONSIDERATION BY THE PEOPLE OF HAYES TOWNSHIP**

**HAYES TOWNSHIP ZONING BOARD  
CHARLEVOIX COUNTY, CHARLEVOIX, MICHIGAN**

**LILLIAN BERGMAN, CHAIRMAN  
BRUCE GREEN  
EDWARD SHANAHAN  
BLANCHE SMITH, SECY.**



**ZONES Section 9.03**

Nothing in this Ordinance shall be construed to prevent an owner or proprietor from maintaining his residence within the same property as contains an authorized business or occupational use of such property.

**ROADSIDE AUTOMOTIVE SHELTERS Section 9.04**

Temporary Winter roadside shelters authorized provided they are so located as not to interfere with road visibility and snow plow operations and are used exclusively as winter automotive shelters. Automotive, as used in this section, shall include any two axle automotive equipment.

**GREEN BELT ZONE Section 9.05**

All land abutting on lakes, or streams shall be so improved as to maintain at least fifty percent (50 percent) of the natural vegetation along the water's edge and twenty-five (25) feet distant therefrom. Any dwelling shall be located at least fifty (50) feet from the water's edge at high water. A boat house or bath house, or combination, permitted at water's edge provided no more than twenty percent (20 percent) of shore frontage is so used. Side yard requirements apply.

**SIZE OF PREMISES Section 9.06**

Each parcel of land, including, two or more contiguous descriptions of one ownership, upon which a building is hereafter erected shall be large enough to ac-

(30) days.

rs, agricultural areas for each areas except residential.

**Section 8.03**

*ved on the trailer for which place.*

required for occupancy of a t or tenant, over thirty days.

it shall be submitted to the l shall include:

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er and occupants and the of the trailer.

the owner or occupant of ication of the trailer on the of the water, sanitary and ies of the dwelling by the

lth officer in evidence that nitation facilities of the ance with all applicable



feet in depth, and such yard shall be kept open and unobstructed for access of fire fighting equipment.

#### FLOOR AREA Section 9.08

No commercial or business building shall hereafter be erected or altered having a ground floor area of less than six-hundred (600) square feet.

#### HEIGHT OF BUILDINGS Section 9.09

Except for District A-1 for agricultural purposes and as otherwise provided herein, no building shall hereafter be erected or altered exceeding a height of thirty-five (35) feet.

#### ADMINISTRATION AND ENFORCEMENT ARTICLE X

##### ZONING ADMINISTRATOR Section 10.01

The provisions of this Ordinance shall be administered by the township board of Hayes township in accordance with the provisions of Act 184 of the public act of 1943 as amended and hereinafter referred to as, the township rural zoning act.

The provisions of this ordinance shall be administered and enforced by a Township Zoning Administrator. Said Administrator shall be appointed by the Township Board and subject to such conditions and rate of compensation as said Township shall determine as reasonable. For the purpose of this Ordinance, he shall have the power of a police officer.

##### CERTIFICATES OF APPROVAL AND COMPLIANCE Section 10.02

All buildings and residences for Agricultural purposes on land zoned A-1 are exempt from Certificates of Approval. No building or structure subject to provisions of this Ordinance shall hereafter be erected, altered, reconstructed, used or moved on any premises until a Certificate of Approval has been issued by the Township Zoning Administrator. No such certificate shall be required for any building under construction at the time of enactment of this ordinance. This Ordinance

re-application and on payment of one-half ( $\frac{1}{2}$ ) of the original fee, subject, however, to provisions of all ordinances in effect at the time of renewal.

Within ten (10) days after receiving written notification of compliance with the provisions of this ordinance, from the owner, or agent, the Zoning Administrator shall inspect the premises and issue the owner or agent, a certificate of compliance if the building, structure, and use are in conformity with said ordinance.

For each Certificate of Approval, the established fees shall be paid to the township treasurer who shall place the same in a separate fund to be known as the Hayes Township Zoning Ordinance Fund. This fund shall be used solely for the administration of the ordinance as directed by the Township Board. No certificate will be valid until the required fee has been paid. No separate fee shall be required for accessory building or structures when application therefor is made at the same time as the principal building or structure. No fee shall be required for a Certificate of Compliance.

The building permit fee shall be established by the Township Board.

It shall be the duty of an architect, contractor, or any other person having charge of erection, construction or movement of a building or structure, subject to the provisions of this ordinance, before undertaking any such work, to determine that a proper Certificate of Approval has been granted therefor, and any such person or agent performing any work in violation of the provisions of this ordinance shall be deemed guilty of violation in the same manner and to the same extent as the owner of the premises.

Any building or structure which is erected or altered, and any use of land which is begun or changed in violation of any provision of this ordinance is hereby declared to be a nuisance per se.

Any person, firm, corporation or other organization which violates, disobeys omits, neglects or refuses to comply with or resist the enforcement of any

#### ZONING BOARD OF APPEALS ARTICLE XI

##### CREATION Section 11.01

There is hereby created a Zoning Board of Appeals which shall be constituted and shall perform its duties and exercise its power as provided by the Township Rural Zoning Act, and by the purpose and provision of this ordinance.

##### PETITION PROCEDURES Section 11.02

Application to the Board of Appeals shall be filed in writing to the Township Clerk, who will give notice of a public hearing on the application to a newspaper of general circulation in the township the cost of which shall be borne by the applicant. If it should appear that the application is not in accord with the purposes and provisions of this ordinance then such application shall be denied.

##### MEMBERSHIP Section 11.03

The Board of Appeals shall consist of three (3) members as provided by section 18 of the township rural zoning act. Members of said board shall be removable by the Township Board for non-performance of duty, or mis conduct in office, after a hearing by said board upon such charges.

#### AMENDMENT PROCEDURES ARTICLE XII

##### AMENDMENT PROCEDURE, NOTICE OF HEARING, COURT DECREE, SECTION 12.01

Amendments or supplements to the zoning ordinance may be made from time to time in the same manner provided in the township rural zoning act for the enactment of the original ordinance, except that the public hearing conducted by the township board shall not be necessary unless a request is made in writing by a property owner. If an individual property is proposed for rezoning, the property shall be conspicuously posted. The township zoning board shall also give a notice thereof to the owner of the property in question to all persons to whom any



shall certify that all provisions of this ordinance and other applicable laws and requirements are to be complied with. The application shall be filed prior to the intended initiation of any work on the premises, and shall be accompanied by:

A blueprint or pen and ink sketch to scale in duplicate showing the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location of the premises, and height of all buildings or structures to be erected or altered; the width and alignment of all abutting streets, highways, alleys, easements and public open spaces; the front yard dimensions of the nearest buildings on both sides of the proposed building or structure. Such other information as may be required to determine compliance with the ordinance.

Whenever the building, structure, or uses as set forth in the application are in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a certificate of approval within thirty (30) days of the filing thereof. If actions of the Board of Appeals is required, the Zoning Administrator shall issue such certificate within ten (10) days of such action, when approved. In case a certificate is refused, the cause shall be stated in writing to the applicant within ten (10) days.

Any certificate of approval, under which no work is done within twelve (12) months from date of issuance, shall expire by limitation; but shall be renewable upon

more than one-hundred (\$100.00), together with the cost of prosecution, or shall be punished by imprisonment in the county jail for not less than five (5) days nor more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein at the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance or use continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this ordinance.

The Township Board, The Board of Appeals, the Prosecuting Attorney of the County, or any owner or owners of real estate within the Zoning District in which such building, structure or premises is situated may institute injunction, mandamus, abatement or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by the law.

#### VALIDITY Section 10.03

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

of all single and two family dwellings within 300 feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenants name is not known, the term occupant may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with zoning board prior to the hearing. The notice shall be made at least eight days prior to the hearing provided by Section 9, of the township rural zoning act stating the time, place, date and purpose of the hearing. It shall only be necessary to publish the section or sections to be amended in or added to the zoning ordinance. Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the township board and the amendment published without referring the same to any other board or agency provided for in this act.



# ZONING ORDINANCE

## HAYES TOWNSHIP

### CHARLEVOIX COUNTY

### MICHIGAN

**JULY 1, 1974 - EFFECTIVE DATE**  
**as amended - 1979**

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accordance with the provisions of Act 184 of the Public Acts of 1943, as amended through 1978 and hereinafter referred to as, "the Township Rural Zoning Act".

#### Section 1.03 - Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Township Rural Zoning Act, Act 184 of the Public Acts of 1943,



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## Introductory Statement

An Ordinance to establish zoning districts in the unincorporated portion of Hayes Township, Charlevoix County, Michigan, and to provide for the regulation, government, and administration thereof.

**Section 1.00 Stay of Proceedings**

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

**Section 8.01 Application**  
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**Section 1.02- Purpose**  
**The purpose of this ordinance is**

**Section 1.02 - Purpose**  
**The purpose of this ordinance is to promote the public health, safety, morals and general welfare, to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system**

**ZONING ORDINANCE  
HAYES TOWNSHIP  
CHARLEVOIX COUNTY  
MICHIGAN**

## Introductory Statement

An Ordinance to establish zoning districts in the unincorporated portion of Hayes Township, Charlevoix County, Michigan, and to provide for the regulation, government, and administration thereof.

## ARTICLE II RULES APPLYING TO TEXT AND DEFINITIONS

Section 2.01 - Rules Applying to Text

**The following rules of construction apply to the text of this Ordinance:**

- a) The particular shall control the general.
- b) In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

**Section 1.02 - Purpose**  
**The purpose of this ordinance is to promote the public health, safety, morals and general welfare, to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system**



## PAGE 8

dwelling units.

- 2) Total number of units proposed.
- 3) Number of bedrooms per unit in multiple family developments.
- 4) Areas to be used for open space and recreation.

N) Such other information regarding the development area that may be required to determine conformance with this Ordinance.

Information provided as part of the development plan requirements shall be used to evaluate the compatibility of the proposed project to the surrounding land uses, potential future uses in the area, and the township as a whole.

Following the submittal of the development plan, the Township Planning Commission shall have sixty (60) days in which to act. This time may be extended if additional time is agreed upon with the developer of the land and the Township Planning Commission.

### Section 5.12 - Greenbelts

A greenbelt, as defined herein, shall be required for any commercial or industrial use that abuts a residential or agricultural use on either the side yard or the rear yard. In all instances, this shall be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential or agricultural property

area may not permit more than one (1) single family home, cottage, condominium or apartment to the use of each fifty (50) feet of lake or stream frontage in such common lakefront or stream area as measured along at the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, and to preserve the quality of recreational use of all waters within the Township.

This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

The Zoning Board of Appeals may, upon petition and after notice and hearing as provided in Article VII, vary or modify the strict application of this provision if it shall determine that undue hardship will otherwise result and the spirit and intent of this Ordinance will be preserved by such variance or modification. The Board of Appeals may, as a condition of such variance or modification, impose such conditions upon the use of the lands and lakefront or streamfront as it shall deem necessary to preserve the spirit and intent of this Ordinance.

C) Marine Sewage Pump-Out Facility  
Any dock facility providing dockage for four (4) or more boats with marine sewage

unless it is in conformity with the following provisions and unless a permit is obtained for such use.

B) Notwithstanding any part of this Ordinance to the contrary, the following regulations shall apply to the erection of all signs.

1) No sign shall project over the right-of-way except in cases where signs are affixed to a structure that is built on the property line of a lot. Said sign shall not project more than six (6) inches beyond the face of the wall to which it is attached.

2) Signs not exceeding four (4) square feet in area may be utilized for traffic regulation or direction.

3) No sign shall be erected upon the inside of a curve of a street which may cause any interference to sight distance.

4) No sign shall be so placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

5) No sign shall contain, include or be illuminated by a flashing light.

6) All illumination, unless otherwise approved by the Board of Appeals, shall not have the source of light visible beyond the property lines of the parcel upon which the sign is located.

7. If any provisions of any other ordinance, statute or law of the State of Michigan impose greater restrictions than herein set forth, then the provisions of such ordinance or statute shall

shall not be visible from square feet in area, and no more than one (1) such sign per lot or building is permitted.

2) Signs not over twenty (20) square feet in area with a maximum height of eight (8) feet which denotes the person-

firm, architect, engineer, contractor, or agency where construction work is being performed. Such sign shall be removed by the owner or agent within ten (10) calendar days after completion of the project.

3) Non-illuminated sign advertising a customary home occupation or professional service not to exceed six (6) square feet and attached flat against a building wall. No more than one (1) such sign for each business or service is permitted.

4) Signs inside a building.

5) Temporary non-illuminated signs advertising sales, bazaars and other events provided such signs shall not exceed eight (8) square feet and shall be removed after a period not to exceed sixty (60) days.

6) Nameplates not to exceed two (2) square feet, each identifying owners of property.

E) Application for a sign permit shall be made and submitted to the Zoning Administrator on appropriate forms furnished by the Administrator. A fee shall accompany the application, based on the following table:

1. Freestanding or pole sign: 15¢ per square foot with a minimum of two (2) dollars.

### \* Sign Type:

Freestanding directory signs advertising businesses or activities conducted, an area of interest, or a service available on the premises. Such signs shall not exceed thirty two (32) square feet, and there shall be no more than one (1) sign for each street upon which the property faces.

5. District: C-1, C-2, C-3, I-1, I-2, I-3

### \* Sign Type:

Directory signs affixed to, or painted on a building advertising businesses or activities conducted, an area of interest, or a service available on the premises. The total area of such signs shall not exceed ten (10) percent of the area of the building face upon which it is mounted. In addition, the signs shall not exceed the maximum height limitations permitted in the zoning district.

Where a sign projects more than three (3) inches from the face of the building, it shall be at least ten (10) feet above the ground at its lowest level.

6) District: I-3, A-1

### \* Sign Type:

Signs advertising a general grand or product, an area of interest, a business conducted, or a service available.



for the greenbelt if, after public hearing and notice, the Planning Commission finds that there would be no adverse effects upon the neighboring property resulting from the waiver or omission.

#### Section 5.13 - Shoreland Protection Strip

No building or structure, except docks or launch ramps, shall be erected closer than fifty (50) feet from the shoreline at normal high water level of any lake, stream or creek within the township. In addition, a strip of land thirty-five (35) feet wide from the normal high water mark bordering the body of water shall be maintained in trees and shrubs in their natural state. Trees and shrubs may be pruned, however, to afford a view of the water.

#### A) Limitation of Boat Dockage

Not more than one (1) mooring, slip or dock space for each fifty (50) feet of lake frontage may be provided for mooring or dockage of boats in any zoning district in the Township.

#### B) Limitation of "Funnel Development"

Any development in any zoning district which shares a common lakefront or stream

out facility which shall be capable of providing pump-out service to a Health Department approved sewage disposal facility.

#### Section 5.14 - Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure defined unsafe by the Building Inspector, except as limited by Section 5.19 hereof.

#### Section 5.15 - Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

#### Section 5.16 - Signs

A) The regulations set forth herein shall apply and govern signs in all zoning districts. No sign may hereafter be erected, moved or structurally altered

permitted in the following zoning districts.

Where requirements of a specific zone district and a general regulation differ, the specific shall prevail.

- 1) District: R-1, R-2, R-3, C-1, C-3, A-1, CR

#### \*Sign Type:

On-premise sign advertising a public or quasi-public use. Such sign shall not exceed twelve (12) square feet in area. There shall be no more than one (1) sign for each street upon which the property faces.

- 2) District: R-1, R-2, R-3, R-4, R-5, A-1

#### \*Sign Type:

A freestanding sign advertising a recorded subdivision or development. Such sign shall not exceed thirty-two (32) square feet in area and, if illuminated, the light source shall not be visible from adjacent properties. Signs shall be placed no closer than ten (10) feet from a street right-of-way.

- 3) District: R-3, C-2

#### \*Sign Type:

On-premise sign advertising the permitted professional or office use. Such sign shall not exceed six (6) square feet, and, if illuminated, the light source

exceed two hundred and fifty (250) square feet in area, and they shall conform to the height, yard and setback requirements of the zone in which they are located. All such signs shall be three (3) feet or more above the ground. Further, such signs shall be spaced not closer than one thousand (1,000) feet to any other billboard on one (1) side of a street or road, or on opposite sides shall be no closer than five hundred (500) feet laterally distant along the right-of-way from any other billboard and shall not be closer than five hundred (500) feet from any major arterial intersection.

All signs in this category must receive approval from the Planning Commission prior to construction.

D) The following signs shall be permitted without obtaining a permit in any zone; however, this exemption shall not relieve the owner or agent from complying with the applicable provisions and regulations set forth in this section.

- 1) One (1) non-illuminated sign advertising the sale or lease of the lot or building on which the sign is placed. Such sign shall not exceed eight (8) square feet, and, if illuminated, the light source shall not exceed eight (8) square feet.

In case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the

10¢ per square foot with a minimum of two (2) dollars.

#### Section 5.17 - Vehicular Parking Space and Access Thereof

A) For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the township, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable off-street parking in accordance with the following schedule:

#### USES REQUIREMENTS

Residential:

two (2) spaces per dwelling unit.

Commercial, Service and Office Use:

three (3) square feet of parking per square foot of gross floor area.

Industrial Uses:

three (3) square foot of parking per square foot of gross floor area, excluding warehouse.

Drive-Inn Business: five (5) square ft.



Please Return

TO:

CHARLEVOIX COUNTY  
PLANNING DEPARTMENT  
COUNTY BUILDING  
CHARLEVOIX, MICHIGAN 49720

Bay

**HAYES TOWNSHIP**

# **ZONING ORDINANCE**

*Charlevoix County  
Michigan*

*July 1, 1974 - Effective Date  
as amended- 1979 - 1985*



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*1973*  
*July 1, 1974*  
*effective date*  
*as amended*  
*1979-1985*

Planning Commission shall have sixty (60) days to review the application. This time may be extended if additional information is required from the developer of the land and the Town.

#### SECTION 5.12 - GREENBELTS

A greenbelt, as defined herein, shall be required for any commercial or industrial use that abuts a residential or agricultural use on either the side yard or the rear yard. In all instances, this shall be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential or agricultural property owners, the greenbelt may be omitted or a fence substituted for the greenbelt if, after public hearing and notice, the Planning Commission finds that there would be no adverse effects upon the neighboring property resulting from the waiver or omission.

#### SECTION 5.13 - SHORELAND PROTECTION STRIP

No building or structure, except docks or launch ramps, shall be erected closer than fifty (50) feet from the shoreline at normal high water level of any lake, stream or creek within the township. In addition, a strip of land thirty-five (35) feet wide from the normal high water mark bordering the body of water shall be maintained in trees and shrubs in their natural state. Trees and shrubs may be pruned, however, to afford a view of the water.



**A. Limitation of Boat Dockage**

Not more than one (1) mooring, slip or dock space for each one hundred (100) feet of lake frontage may be provided for mooring or dockage of boats in any zoning district in the Township.

**B. Limitation of "Funnel Development"**

Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single family home, cottage, condominium or apartment to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along at the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, and to preserve the quality of recreational use of all waters within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, single fee ownership or lease.

The Zoning Board of Appeals may, upon petition and after notice and hearing as provided in Article VII, vary or modify the strict application of this provision if it shall determine that undue hardship will otherwise result and the spirit and intent of this Ordinance will be preserved by such variance or modification. The Board of Appeals may, as a condition of such variance or modification, impose such conditions upon the use of the lands and lakefront or streamfront as it shall deem necessary to preserve the spirit and intent of this Ordinance.

**C. Marine Sewage Pump-Out Facility**

Any dock facility providing dockage for four (4) or more boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a Health Department approved sewage disposal facility.

**D. Shoreland Protection Strip Replanting Requirement.**

A planted strip of land thirty-five (35) feet wide from the normal high water mark, bordering the body of water. The replanted strip shall consist of a mix of deep rooted trees (either deciduous or evergreen) and woody shrubs, with not less than thirty per cent of the replanting consisting of deciduous or evergreen trees.

Spacing Requirements: Deciduous trees shall be no further apart than 8' x 8', evergreens (pine, spruce and cedar) no further apart than 6' x 6' and woody shrubs no further apart than 3' x 3'.

**SECTION 5.14 - RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure defined unsafe by the Building Inspector, except as limited by Section 5.19 hereof.

~~1973~~  
July 1, 1971  
effective date  
as amended  
1979-1985



CHARLEVOIX COUNTY  
PLANNING DEPARTMENT  
COUNTY BUILDING  
CHARLEVOIX, MICHIGAN 49720

*gld*  
*replaced June 1996*

## **HAYES TOWNSHIP**

# **ZONING ORDINANCE**

*Charlevoix County  
Michigan*

*July 1, 1974 - Effective Date  
as amended - 1979-1989*

*Updated 12-8-95*



## SECTION 5.13 SHORELAND PROTECTION STRIP

### A. Shoreland Protection Strip

No building or structure, except boardwalks, docks and launch ramps shall be erected closer than one hundred (100) feet from the shoreline at the maximum or maximum recorded (IGLD) high water level of any lake, stream or creek within the Township; except Susan Lake which shall have a minimum setback of eighty (80) feet. The maximum recorded water level, International Great Lakes Datum (IGLD) shall apply to Lake Michigan and Lake Charlevoix. In addition, a strip of land fifty (50) feet wide from the maximum or maximum recorded (IGLD) high water mark bordering the body of water shall be maintained in trees and shrubs in their natural state. If there is a dispute IGLD shall be determined by a registered land surveyor, paid for by the land owner. The vegetation and the soil shall not be altered or disturbed within the shoreland protection strip, as herein described. Trees and shrubs may be pruned, however, to afford a view of the water.

Any cluster of dwellings or multiple family dwellings, including condominiums, must be approved by the Planning Commission through a site plan review and the shoreline setbacks may be increased up to 150 feet, or more, to compensate for the increased density and impact on the shorelines. The lowest floor, or the basement floor, of any structure shall not be less than 590 feet above sea level, International Great Lakes Datum (IGLD). (Amended 1/10/94) For lakes with no established high water mark a minimum elevation of 5 feet above the existing water level shall be required. Filling of land to meet these requirements is prohibited.

### B. LIMITATION OF BOAT DOCKAGE (Amended 12/23/92)

Not more than one (1) mooring, or one (1) slip, or one (1) dock space for each one hundred (100) Feet of lake frontage, as measured along the water's edge of the natural shoreline at the normal high water mark of the lake, may be provided for mooring or dockage of boats in any zoning district in the Township. "One (1) mooring," or "one (1) slip," or "one (1) dock space," as used herein, means space for a single boat which is powered by an engine, including a sailboat powered by an auxiliary engine. This Ordinance does not intend to limit, and there is no limit on the number of rowboats, dinghies, rubber boats, canoes or small sailboats which may be kept and used on lake or stream frontage provided that no such boat shall have engine power of any kind other than hand or foot power. In computing the number of Feet of natural shoreline, as above described, the measurement shall be along the water's edge of normal high water mark of the lake at the natural shoreline undisturbed by an excavation, channel, lagoon or canal. The measurement shall not be made along any man-made channel, lagoon or canal.



**HAYES TOWNSHIP**

**ZONING ORDINANCE**

**CHARLEVOIX COUNTY, MICHIGAN**

**July 1, 1974 - Effective Date**  
**As Amended - 1989 - May 10, 1999**



PRINCIPAL OR MAIN USE: The primary or predominant use of the premises.

RECREATIONAL VEHICLE - A motorized or non-motorized vehicle, or prefabricated portable structure designed and intended for use as a temporary living quarters for recreational, camping or travel use.

RIDGELANDS - The top of a long, linear hill. Those lands which have the unique character of defining a linear high area for a particular landscape. They usually accompany valleys. A topographical map (one that shows the contours of the land) shall be examined to identify property containing ridgeland.

RIGHT-OR-WAY: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

SHORELINE PROPERTY - That land which abuts a lake, river, or stream at the ordinary high water mark.

SIGN: Any announcement, written declaration, pictorial representation, emblem, flag, illustration, insignia or any figures of similar character which is a structure or any part thereof or is attached to, painted, or in any other manner represented on a building or structure and is used to announce, direct attention to, or advertise and is visible from outside a building. Signs shall include billboards but shall not include illustrations, pictorial representations or other similar items within a building.

SITE CONDOMINIUM SUBDIVISION - A division of land, on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act of 1967 (P.A. 288 of 1967, as amended).

SITE CONDOMINIUM UNIT - That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

STORY: That portion of a building included between the surface of any floor and surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it and exclusive of any mezzanine, balcony or basement.

STORY - HALF: An uppermost story lying under a sloping roof having an area of at least two-hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purpose of this ordinance the usable floor area is only that area having at least four feet (4') clear height between the floor and ceiling. Does not exceed two-thirds of the floor area in the story directly below.

STRUCTURE: Anything constructed, erected or to be moved to or from any premises,



## SECTION 5.13 - LAKEFRONT ZONING

Waterfront property owners have a special obligation to their communities to help preserve the quality of the water. The rationale for a shoreland protection strip has been documented in Lakeland reports from the University of Michigan Biological Station at Douglas Lake. These reports are available through the Cooperative Extension Service of Charlevoix County.

As these reports point out, the deep roots of a shoreland protection strip, which includes some trees as well as low shrubbery, hold the silt and sediments carried by rain and other runoff, prevent erosion, and draw nutrients, produced by septic seepage, out of the soil before it reaches the lakes, streams or creeks. They also point out that shoreland protection strips can provide aesthetically pleasing wind and sound breaks, create a habitat for birds and wildlife and make property more attractive. Without such protection unwanted algae begins to appear along the shore bottom leading to a gradual change in the ecology of the lakes, streams or creeks, even creating undesirable habitat for sports fish.

### A. SETBACK REGULATIONS

#### 1. STRUCTURE SETBACK

No building or structure, except boardwalks, docks and launch ramps shall be erected closer than one hundred (100) feet from the shoreline at the maximum or maximum recorded (IGLD) high water level of any lake, stream or creek within the Township; except Susan Lake which shall have a minimum setback of eighty (80) feet. The maximum recorded water level, International Great Lakes Datum (IGLD) shall apply to Lake Michigan and Lake Charlevoix.

Any cluster of dwellings or multiple family dwellings, including condominiums, must be approved by the Planning Commission through a site plan review and the shoreline setbacks may be increased to compensate for the increased density and impact on the shorelines.

The lowest floor, or the basement floor, of any structure shall not be less than 590 feet above sea level, International Great Lakes Datum (IGLD). For lakes with no established high water mark a minimum elevation of 5 feet above the existing water level shall be required. Filling of land to meet these requirements is prohibited.

#### 2 SHORELAND PROTECTION STRIP



A strip of land fifty (50) feet in depth from the maximum or maximum recorded (IGLD) high water mark bordering the body of water, placed so as to be parallel to the body of water, shall remain in the natural state. If there is a dispute IGLD shall be determined by a registered land surveyor, paid for by the land owner. Under no circumstances shall fertilizer, pesticides, or herbicides be used in the Shoreland Protection Strip.

If native vegetation already exists along the shoreline, it shall not be altered or disturbed within the Shoreland Protection Strip as herein described. These plants are ideally suited for the conditions on the property. Pruning of trees, shrubs, or any other vegetation is prohibited except for parts of the trees, shrubs, or vegetation that are already dead. If dead trees, shrubs, or vegetation is pruned or trimmed the deep roots must remain.

**B. LIMITATION OF BOAT DOCKAGE**

Not more than one (1) mooring, or one (1) slip, or one (1) dock space for each one hundred (100) Feet of lake frontage, as measured along the water's edge of the natural shoreline at the normal high water mark of the lake, may be provided for mooring or dockage of boats in any zoning district in the Township. "One (1) mooring," or "one (1) slip," or "one (1) dock space," as used herein, means space for a single boat which is powered by an engine, including a sailboat powered by an auxiliary engine. This Ordinance does not intend to limit, and there is no limit on the number of rowboats, dinghies, rubber boats, canoes or small sailboats which may be kept and used on lake or stream frontage provided that no such boat shall have engine power of any kind other than hand or foot power. In computing the number of Feet of natural shoreline, as above described, the measurement shall be along the water's edge of normal high water mark of the lake at the natural shoreline undisturbed by an excavation, channel, lagoon or canal. The measurement shall not be made along any man-made channel, lagoon or canal.

**C. LIMITATION OF FUNNEL DEVELOPMENT**

Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit shall use or be permitted to use each one hundred (100) Feet of lake or stream frontage as measured along the normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream Frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel



# **HAYES TOWNSHIP**

## **ZONING ORDINANCE**

Charlevoix County, Michigan

July 1, 1974 – Effective Date

Text: As amended through February 2008

Zoning Map:

Amended 3-25-08 (effective date)

Amended 8-28-09 (effective date)



LOT - INTERIOR: A lot other than a corner lot.

LOT - REAR: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular shaped lot, a line at least ten (10) feet in length within the lot, parallel to and at the maximum distance from the side lot line.

LOT SIDE: Any boundary line not a front lot line or a rear lot line.

LOT - THROUGH: A lot, other than a corner lot, having frontage on more than one (1) street.

LOT WIDTH: The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT OF RECORD - A lot in a described subdivision, or a parcel of land recorded by metes and bounds, that has been recorded in the office of the Register of Deeds for Charlevoix County prior to the effective date of this Ordinance.

MOBILE HOME - A structure of a type and quality conforming with all Federal and State mobile home construction and safety standards, which is transportable in one or more sections and designed to be used as a dwelling with or without a permanent foundation.

MOBILE HOME PARK: Any site, field or tract upon which three (3) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile park which site, lot, field or tract shall be licensed and regulated by the Michigan Department of Commerce.

MOTEL: Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as hotels or motor courts.

MOTOR VEHICLES - Any wheeled vehicle which is, or is designed to be self-propelled.

NATURAL STATE: (6/12/89) An area where bedrock soil and vegetation is left undisturbed and void of structural improvements. An area that is untouched and undisturbed by man. An area that is declared a natural state will remain as it presently is, without improvements, mowing, removal of trees and shrubs or contouring, filling or removal of soil. Previous land use may show the effects of human use such as fences, foundations, orchards, etc. These may be considered for inclusion as a natural state at the discretion of the planning commission if and only if there is no further use of improvement of these effects. If any of these previous effects are to be utilized they will not be considered as a natural state.

NONCONFORMING USE: Any use, whether a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance, or as a result of a subsequent amendment thereof.

OPEN SPACE: Land not used for any of the following: Parking and loading spaces, road right-of-ways, building coverage, sewage disposal areas, water-well houses, related uses.

OWNER: A person holding any legal, equitable, option or contract interest in land.



**PLANNING COMMISSION:** See Hayes Township Planning Commission.

**PERSONS:** "Persons" includes any individual, political subdivision, estate, trust, or body of persons, whether incorporate or not, acting as a unit.

**PRINCIPAL OR MAIN USE:** The primary or predominant use of the premises.

**RECREATIONAL VEHICLE** - A motorized or non-motorized vehicle, or prefabricated portable structure designed and intended for use as a temporary living quarters for recreational, camping or travel use.

**RIDGELANDS** - The top of a long, linear hill. Those lands which have the unique character of defining a linear high area for a particular landscape. They usually accompany valleys. A topographical map (one that shows the contours of the land) shall be examined to identify property containing ridgeland.

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**STORY - HALF:** An uppermost story lying under a sloping roof having an area of at least two-hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purpose of this ordinance the usable floor area is only that area having at least four feet (4') clear height between the floor and ceiling. Does not exceed two-thirds of the floor area in the story directly below.

**STRUCTURE:** Anything constructed, erected or to be moved to or from any premises, which is permanently located above, on, or below the ground, including signs and billboards.

**TELECOMMUNICATION TOWERS AND FACILITIES OR TOWER:** All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio



will be placed shall be landscaped in accordance with a landscaping plan and specifications designed to accomplish the objectives of this Article.

5. Landscaping shall be installed within one year of completion of the building or structure.
6. All landscaping shall be hardy native plants. Withered and/or dead plants shall be replaced within a reasonable period of time, though in no case later than one (1) growing season.
7. Deciduous or evergreen trees shall be a minimum of five (5) feet in height, and shrubs shall be a minimum of two (2) feet in height, at the time of planting.
8. Plantings shall be grouped or clustered to provide maximum visual effect.
9. All parking, loading, storage, and outdoor service areas shall be screened by a landscaped buffer planted with native deciduous and evergreen trees and shrubs to create a vegetative screen which achieves total visual obstruction between adjoining property(s) used as residential.
10. This requirement may be modified by the planning commission or zoning administrator as it applies to buffers planted parallel to a front lot line or road right-of-way.
11. Fences may be substituted for buffers provided they meet:
  - a. Objectives of this Section.
  - b. Are of durable materials.
  - c. Approved by Planning Commission or Zoning Administrator.

#### **SECTION 5.13 - LAKEFRONT ZONING**

Waterfront property owners have a special obligation to their communities to help preserve the quality of the water. The rationale for a shoreland protection strip has been documented in Lakeland reports from the University of Michigan Biological Station at Douglas Lake. These reports are available through the Cooperative Extension Service of Charlevoix County.

As these reports point out, the deep roots of a shoreland protection strip, which includes some trees as well as low shrubbery, hold the silt and sediments carried by rain and other runoff, prevent erosion, and draw nutrients, produced by septic seepage, out of the soil before it reaches the lakes, streams or creeks. They also point out that shoreland protection strips can provide aesthetically pleasing wind and sound breaks, create a habitat for birds and wildlife and make property more attractive. Without such protection unwanted algae begins to appear along the shore bottom leading to a gradual change in the ecology of the lakes, streams or creeks, even creating undesirable habitat for sports fish.

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## **B. LIMITATION OF BOAT DOCKAGE**

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C. LIMITATION OF FUNNEL DEVELOPMENT

Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit shall use or be permitted to use each one hundred (100) Feet of lake or stream frontage as measured along the normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream Frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common Fee ownership, single Fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.

D. MARINE SEWAGE PUMP-OUT FACILITY

Any dock facility providing dockage for four (4) or more boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a Health Department approved sewage disposal facility.

E. MODIFICATION BY THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals may, upon petition and after notice, and hearing as provided in Article VII, vary or modify the strict application of this section (5.13 A-D) if it shall determine that undue hardship will otherwise result and the spirit and intent of this Ordinance will be preserved by such variance or modification. The Board of Appeals may, as a condition of such variance or modification, impose such conditions upon the use of the lands and lake front or stream front as it shall deem necessary to preserve the spirit and intent of this Ordinance.

F. PUBLIC ACCESS SITES

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

The restrictions of this Section 5.13(A-B) shall not apply to a "Public Access Site," as above described, provided that such sites are subject to governmental control enabling the controlling governmental agency to limit boat docking, moorage and boat launching, prohibit overnight mooring, camping, vehicle parking, and other controls upon use of the site.

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



others using the site, using other private property in the proximity of the site, or the waters which the site abuts.

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

**G. SHORELAND PROTECTION STRIP REPLANTING AND RESTORING REQUIREMENT.**

If the vegetation and/or soil is altered or disturbed within the Shoreland Protection Strip the following conditions shall be met:

1. Any and all fill material placed within the Shoreland Protection Strip shall be removed. Organic Soil may be added as needed to provide for growth of new vegetation.
2. A strip of land fifty (50) feet wide from the maximum or maximum recorded (IGLD) high water shall be replanted. The replanted strip shall consist of native vegetation, trees no less than 5 feet in height, and shrubs, as best suited to soil conditions on the property, as recommended by the Cooperative Extension Service of Charlevoix County.

**H. Property owners may apply to the Zoning Administrator for permission to clear a section of the lake front for recreational purposes under the following conditions:**

1. The cleared area does not exceed 25% of the total frontage on the lake, and consists of no more than 50 linear feet and maximum depth of 50 ft. per parcel.
2. A shoreline protection strip or green belt of 50 feet in depth shall be maintained, or planted, if none exists, behind the area to be cleared.
3. In areas where steep grades are evident, access paths to the body of water shall meander or curve or be built in such a manner as to prevent erosion.

**SECTION 5.14 - RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure defined unsafe by the Building Inspector, except as limited by Section 5.19 hereof.





# *Hayes Township*



## *Zoning Ordinance*

Adopted: October 12, 2009

Effective: October 31, 2009

Including Amendments Effective:  
March 24, 2012

Planning Assistance Provided by:

***M. C. Planning & Design***

504 Liberty St., Petoskey, MI 49770

(231) 487-0745

[mcampbell@mcplanningdesign.com](mailto:mcampbell@mcplanningdesign.com)



**Sexually Oriented Business:** A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center.

**Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves. Three or more retail stores and services, so arranged or planned, shall qualify as a shopping center for zoning purposes.

**Shoreland Protection Strip:** A strip of land fifty feet in depth from the maximum or maximum recorded (IGLD) high water mark bordering the body of water, placed so as to be parallel to the body of water, shall remain in the natural state.

**Sign:** A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of or for the benefit of any product, place activity, individual, firm, corporation, institution, profession, association, business or organization.

**Sign, Animated:** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

**Sign, Freestanding or Ground:** A sign supported by permanent uprights or braces in the ground.

**Sign, Off Premise:** Any sign relating to subject matter not conducted on the premises on which the sign is located.

**Sign, On Premise:** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.

**Sign, Outdoor business or Informational:** A freestanding, overhanging or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign, or at a location different than the property on which the sign is located.

**Sign, Overhanging:** A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

**Sign, Portable:** A sign that is designed to be transported, including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T- frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;



- D. Mobile homes shall not be used as an accessory building.
2. Replacement of lawfully existing non-conforming mobile homes shall be allowed provided the site and age of replacement would be in greater compliance with the Zoning Ordinance, and is located in compliance with the applicable district setbacks. The replacement would not increase the non-conformity or would not be contrary to the intent of the Ordinance and shall comply with the additional standards A-D listed above in subsection 3.11.1.

### **Section 3.12 Recreation al Vehicles**

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

### **Section 3.13 Animals**

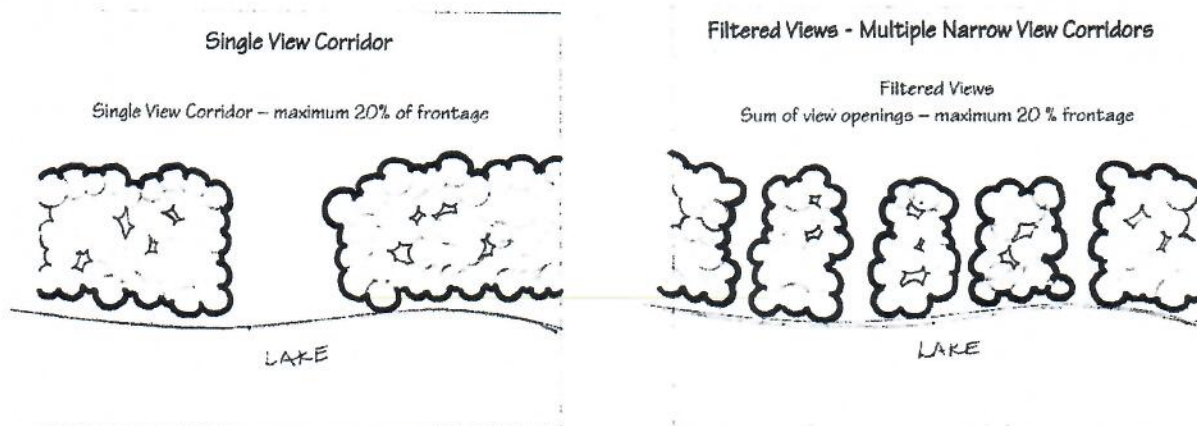
The keeping of poultry, pigs, horses or other such livestock is allowed in the Agricultural and Rural Residential Districts. In other districts, provided the parcels of land are five (5) acres or greater in size, the keeping of poultry, pigs, horses or other such livestock is allowed, as provided for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

### **Section 3.14 Waterfront Regulations**

1. Intent:
- A. The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources, water quality and community scenic and recreational values; therefore a shoreland protection strip shall be required on all waterfront lots.
  - B. For any new construction or renovation of a nonconforming structure located on a waterfront lot, the establishment, restoration and/or maintenance of a shoreland protection strip shall be required. The shoreland protection strip shall include all of the land area located within fifty (50) feet of the high water mark of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by preventing soil erosion, providing a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier. Within the shoreland protection strip, the following development or use restriction shall apply:
2. Setback area regulations:
- A. No structures, except for launching ramps and docking facilities including steps and retaining walls, shall be allowed within one hundred (100) feet of the shoreline on Lake Michigan and Lake Charlevoix, and within eighty (80) feet of Susan Lake at the maximum recorded high water level, and such excepted facilities shall meet the side yard setback for the district in which they are located.



- B. The use of asphalt, concrete, wood or other similar surfaces shall be limited to walkways or stairs necessary for water access, and shall not exceed four (4) feet in width.
- C. The use of pesticides, herbicides and fertilizers is prohibited.
- D. Leaves, grass clippings and similar yard/garden wastes may not be burned or stored.
- E. Neither septic tanks nor septic system filtration fields may be located within the shoreland protection strip.
- F. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on at least eighty percent (80%) of the lake or stream frontage within the shoreland protection strip. The vegetation on the remaining twenty percent (20%) may be cleared for a single view corridor; or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty percent (20%) of the frontage. When trees are removed, root systems shall be left in place for shoreline stabilization. For purposes of this subsection, the natural vegetation coverage within the shoreline protection strip shall be determined by the sum of the area of the waterfront view blocked by all portions of each vegetation plant (trunk, limbs, and leaves) when viewed directly landward behind each plant.



- G. Pruning of trees, shrubs or other native vegetation is prohibited within the shoreland protection strip, except for the removal of dead portions of trees, shrubs or other vegetation. When dead trees, shrubs or other vegetation are removed, root systems shall be left in place for shoreline stabilization. No other trees or shrubs shall be removed.
  - H. Encourage removal of invasive species.
  - I. The shoreland protection strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.
3. The shoreland protection strip shall not be altered under any condition, except to remove dead trees or shrubs or to remove invasive species. If the vegetation and/or soil within the shoreland protection strip is altered or disturbed, the following corrective measures shall be required:
- A. Any and all fill material placed within the shoreland protection strip shall be removed. Only soils or rocks, consistent with the composition of the pre-existing



- on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited.
- B. The shoreland protection strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed. Any tree greater than 8 inches in diameter which was removed, shall be replaced at a rate of two trees for the first 8 inches in diameter, and one additional tree (8 inch in dia) for each additional 4 inches in diameter of the original tree removed (*i.e. if a 20" tree is removed—5 replacement trees would be required, 2 for the first 8" and 3 for the other [20"-8"] 12 inches of diameter of the removed tree.*) All replacement trees and shrubs shall be planted in a manner to resemble shorelands that have not been disturbed, and shall be suited to soil conditions on the property per recommendations by the Charlevoix Conservation District or the MSU Extension Service.
  - C. The shoreland protection strip shall not be replanted with invasive and/or exotic species such as: Phragmites, Purple Loosestrife, Reed Canary Grass, Crown Vetch, White and Yellow Sweet Clover, Russian Olive, Autumn Olive, Tartarian Honeysuckle and other invasive or exotic species as identified by the Tip of the Mitt Watershed Council
  - D. Where native shoreline vegetation does not exist, a combination of native vegetation shall be introduced in a naturalized planting pattern as exemplified by neighboring shorelands that have not been disturbed.
  - E. Any required replanting shall be installed and maintained in accordance with the requirement of Section 3.24.
4. **Limitation of Boat Dockage**  
Not more than one (1) mooring, or one (1) slip, or one (1) dock space for each one hundred (100) feet of lake frontage, as measured along the water's edge of the natural shoreline at the normal high water mark of the lake, may be provided for mooring or dockage of boats in any zoning district in the Township. "One (1) mooring," or "one (1) slip", or "one (1) dock space," as used herein, means space for a single boat which is powered by an engine, including, a sailboat powered by an auxiliary engine. This Ordinance does not intend to limit, and there is no limit on the number of rowboats, dinghies, rubber boats, canoes or small sailboats which may be kept and used on lake or stream frontage provided that no such boat shall have engine power of any kind other than hand or foot power. In computing the number of feet of natural shoreline, as above described, the measurement shall be along the water's edge of normal high water mark of the lake at the natural shoreline undisturbed by an excavation, channel, lagoon or canal. The measurement shall not be made along any man-made channel, lagoon or canal.
5. **Limitation of Funnel Development**  
Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit shall use or be permitted to use each one hundred (100) feet of lake or stream frontage as measured along the normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational uses of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.
6. **Marine Sewage Pump-out Facility**



**Hayes Township**  
Ordinance Number 040918a of 2018  
Adopted April 9, 2018

An Ordinance amendment to the Hayes Township Zoning Ordinance of Articles III and V pertaining to the waterfront. The Township of Hayes Ordains:

**Section 1.** Article III Section 3.14 Waterfront Regulations of the Hayes Township Zoning Ordinance is hereby amended in its entirety as follows:

**Section 3.14 Waterfront Regulations**

1. Intent  
The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources, water quality and community scenic and recreational values.
2. Setback Area Regulations  
Except as provided herein, no structures (with the exception of a patio/deck, walkway, retaining wall, launching ramps and / or docking facilities including steps) shall be allowed within one hundred (100) feet of the Ordinary High Water Mark on Lake Michigan and Lake Charlevoix, and eighty (80) feet on Susan Lake, and such excepted facilities shall meet the side yard setbacks for the district in which they are located.
  - A. One at-grade patio/deck, not to exceed two hundred (200) square feet may be located within the 100-ft. setback following review and approval by the Zoning Administrator to ensure the structure will be installed in a manner which will cause the least negative environmental impact.
    - I. No portion of the patios/deck shall be located more than two feet above the natural grade.
    - II. It is the desire of the Township to bring nonconforming patios/decks into conformance with provisions of this Ordinance as rapidly as is permitted by law.
3. Shoreland Protection Strip  
A Shoreland Protection Strip shall be required on all waterfront lots. The shoreland protection strip shall include all of the land area located within fifty (50) feet of the Ordinary High Water Mark of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by preventing soil erosion, providing a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier. Within the shoreland protection strip, the following development or use restrictions (A-L below) shall apply:
  - A. **The Shoreland Protection Strip shall not be altered more than 20% under any condition, except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in 3.14.3I.**
  - B. For any new construction or renovation of a structure located on a waterfront lot, the establishment, restoration and/or maintenance of a Shoreland Protection Strip



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

- I. Members of the Subcommittee shall include two (2) members of the Planning Commission and a representative from Tip of the Mitt Watershed Council, the Lake Charlevoix Association, or a similar organization with technical expertise on aquatic ecosystem management.
  - II. Each member of the Subcommittee shall be appointed by the Planning Commission chairperson to a term that coincides with their regular planning commission term.
  - III. The Subcommittee is advisory only, reports directly to the Planning Commission, and does not have the authority to make final decisions.
  - IV. Section 3.14.8D summarizes what actions trigger review by the Subcommittee.
- D. The following table summarizes the information required and the review process for residential development on waterfront properties:

Location	Triggering Actions	Review Process	Data Required
Any Conforming Waterfront Lot	Modification of an existing structure without changing the building footprint.	Administrative Review by the Zoning Administrator	Plot Plan as described in Section 5.02.
	Modification of the spatial dimensions of an existing structure (less than 50%) or the addition of an accessory structure.	Administrative Review by the Zoning Administrator with input from the Shoreland Protection Subcommittee	Plot Plan as described in Section 5.02. and a Shoreland Landscaping Plan as described in Section 3.14.8A.
	A new residential home construction or a major reconstruction (over 50%).	Planning Commission Site Plan Review with input from the Shoreland Protection Subcommittee	Shoreland Landscaping Plan as described in Section 3.14.8A. and Site Plan Data required in 5.03.3.
Within the 100-foot shoreline setback	The addition or modification of a walkway, retaining wall, or patio/deck.	Administrative Review by the Zoning Administrator with input from the Shoreland Protection Subcommittee	Plot Plan as described in Section 5.02. and a Shoreland Landscaping Plan as described in Section 3.14.8(A).

**Section 2.** Article V: Site Plan Review Section 5.02 Plot Plan of the Hayes Township Zoning Ordinance is hereby amended to add:

6. For all waterfront development requiring only a Plot Plan and 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 of the Plot Plan by the Zoning Administrator. The Zoning Administrator shall apply the standards contained within Section 3.14 and shall document his/her discretionary decisions based on evidence presented.

**Section 3.** Article V: Site Plan Review Section 5.03 Site Plan Review (All Districts) Part 1A. Circumstances Requiring a Site Plan is hereby amended as follows:



recommended invasive species is available at the Township Hall and an electronic link is posted on the Township website.

- K. It is in violation of the zoning ordinance to alter or disturb the Shoreland Protection Strip except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in 3.14.3I. If altered or disturbed, the following corrective measures are required:

- I. Any and all fill material placed within the Shoreland Protection Strip shall be removed. Only soils or rocks, consistent with the composition of the pre-existing on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited.
- II. The Shoreland Protection Strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed. Any tree greater than 8 inches in diameter (8 inch in diameter measured at 4.5 feet above the ground) which was removed, shall be replaced at a rate of two trees for the first 8 inches in diameter, and one additional tree for each additional 4 inches in diameter of the original tree removed (*i.e. if a 20" tree is removed—5 replacement trees would be required, 2 for the first 8" and 3 for the other [20"-8"] 12 inches of diameter of the removed tree.*)
- III. All required replanting shall be replanted with native species as recommended by the Northwest Michigan Invasive Species Network and installed and maintained in accordance with the requirements of Section 3.24.
- IV. Where native shoreline vegetation does not exist, a combination of native vegetation shall be introduced in a naturalized planting pattern as exemplified by neighboring shorelands that have not been disturbed.

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

- A. A maximum of one dock shall be permitted for each waterfront lot, except for properties upon which a marina is permitted by all of the following: the Hayes Township Zoning Ordinance, the Michigan Department of Environmental Quality (MDEQ), and the U.S. Army Corps of Engineers (USACE).
- B. One shared dock serving two (2) adjacent waterfront parcels owned by separate individuals, may be placed on the common shared property line upon filing with Hayes Township a letter of agreement signed by both property owners.
- C. A shared dock for a multiple family development, such as Planned Unit Development or Condominium project, may be allowed as part of a site plan approval with Planning Commission approval and subject to the requirements of Section 3.14.5 Limitation of Funnel Development.
- D. Any boat moored at or stored on a lot within any residential district shall be owned by and registered to an individual living at said property.
- E. Undocked boats may be stored on a residential lot so long as the Shoreland Protection Strip is not disturbed and is in conformance with the requirements of this ordinance.
- F. Each dock, mooring anchor, or other means of non-temporary anchorage shall be located at least fifteen (15) feet from the riparian boundary and moored boats shall not cross the riparian boundary. The one exception to this provision is for shared docks as described in 3.14.4B and 3.14.4C.
- G. Dock lighting for safety and navigational purposes are allowed. All lighting shall comply with Section 3.20; flashing lights are not allowed and require that the



- maximum height does not exceed four (4) feet, above the dock surface.
- H. Any damage caused to the Shoreland Protection Strip during the process of installing or removing seasonal docks, shall be repaired within 30 days from the date that the property owner is notified by first class mail.
  - I. All permits required by the MDEQ, USACE, Hayes Township, and other applicable entities must be obtained prior to the construction or modification of docks or marinas.
5. **Limitation of Funnel Development**  
Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit, including any dwelling unit located on the waterfront lot, shall use or be permitted to use each one hundred (100) feet of lake or stream frontage as measured along the Ordinary High Water Mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational uses of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.
6. **Marine Sewage Pump-out Facility**  
Any commercial dock facility providing dockage for boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a local health department approved sewage disposal facility, or have a written service agreement in place by a licensed or permitted pump-out facility.
7. **Public Access Sites**  
Land abutting a lake or stream, which land is under the possession and control of a governmental agency including Hayes Township, the County of Charlevoix, the Charlevoix County Road Commission, the State of Michigan, or other governmental agency, and which governmental agency allows public access across the site to the lake or stream abutting the site, is herein described as a "Public Access Site." Such Public Access Sites may be owned or leased by the public agency, or dedicated to the use of the public, but shall, in any case, be under the exclusive control of one or more public agencies which have the authority to impose regulations and restrictions upon the use of the site and upon access to the abutting lake or stream.

The restrictions of this Section 3.14(1-3, and 8) shall not apply to a "Public Access Site", as above described, provided that such sites are subject to governmental control enabling the controlling governmental agency to limit boat docking, moorage and boat launching, prohibit overnight mooring, camping, vehicle parking, and other controls upon use of the site.

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



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

8. Waterfront Development Review

A. Intent

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

- I. To ensure compliance with the waterfront regulations described in 3.14 (1-5), an added layer of review is required for all residential waterfront development and any modifications to the Shoreland Protection Strip. This added layer of review requires a Shoreland Landscaping Plan (3.14.8B) in most instances for the area within one hundred (100) feet of the Ordinary High Water Mark and Site Plan Review for all new residential waterfront dwelling units.
- II. For the area of land waterward of the Ordinary High Water Mark, MDEQ and/or Army Corps of Engineers permits must be obtained for any construction or changes since the alternation of the shoreline will have significant effect on the Shoreland Protection Strip, and thus the health of the water body.
- III. An advisory Subcommittee of the Planning Commission has been created to review waterfront developments and facilitate compliance with the waterfront provisions in this section. The requirements placed on property owners will be in proportion to the proposed activity.

B. Shoreland Landscaping Plan

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

- I. The Landscaping Plan shall address the conditions set forth in Section 3.14 (1-5).
- II. The Landscaping Plan shall address the elements set forth in Section 3.24 Landscaping.
- III. Prior to receiving a zoning permit to build or increase the footprint of a waterfront structure, a Shoreland Landscaping Plan with the following information is required:
  1. A detailed inventory of the existing 50-foot Shoreland Protection Strip area, including the locations of trees, shrubs, and ground cover, with notes as to the locations of native and non-native species.
  2. A detailed inventory of all structures within one hundred (100) feet of the Ordinary High Water Mark.
  3. A detailed inventory of planned changes to the 50-foot Shoreland Protection Strip area, including tree removals and/or plantings, vegetation removal and/or plantings (if applicable).

C. Shoreland Protection Subcommittee

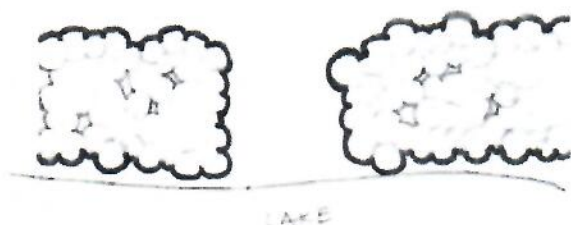


shall be required. Refer to Section 3.14.8 for details on the waterfront development approval process.

- C. Shoreline retaining structures shall be permitted with appropriate agency approvals.
- D. Walkways or stairs for water access shall be allowed, provided they:
  - I. Do not exceed six (6) feet in width;
  - II. Are constructed in such a way that stormwater is slowed;
  - III. Take the most environmentally sensitive route between each destination; and
  - IV. Are not constructed in such a way that they expand the deck beyond the two hundred (200) square foot maximum.
- E. The use of pesticides, herbicides and fertilizers is prohibited.
- F. Leaves, grass clippings and similar yard/garden wastes may not be burned or stored. Composting of food waste is encouraged, but must be located a minimum of one hundred (100) feet from the Ordinary High Water Mark.
- G. No septic tanks or septic system filtration fields shall be located within the Shoreland Protection Strip.
- H. Natural vegetation cover, including trees; shrubs or herbaceous plants shall be maintained on at least eighty percent (80%) of the lake or stream frontage within the Shoreland Protection Strip. Please refer to the list of recommended species by Northwest Michigan Invasive Species Network. The list of recommended native species is available at the Township Hall and an electronic link is posted on the Township website. The vegetation on the remaining twenty percent (20%) may be cleared for a single view corridor; or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty percent (20%) of the frontage. When trees are removed, root systems shall be left in place for shoreline stabilization. For purposes of this subsection, the natural vegetation coverage within the shoreland protection strip shall be determined by the sum of the area of the waterfront view blocked by all portions of each vegetation plant (trunk, limbs, and leaves) when viewed directly landward behind each plant.

Single View Corridor

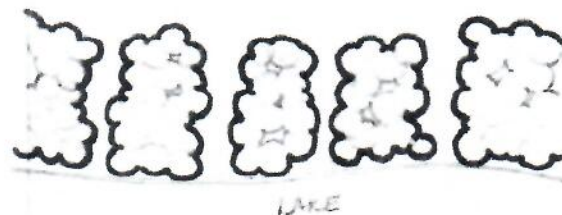
Single View Corridor - view from 20% of frontage



Filtered Views - Multiple Narrow View Corridors

Filtered Views

Sum of view openings - maximum 20% frontage



- I. Selective trimming of trees to allow for filtered views is permitted within the Shoreland Protection Strip so long as the overall health of the tree is not compromised and is not included in the allotted 20% removal.
- J. The removal of invasive species is both allowed and encouraged. Please refer to the list of invasive species by Northwest Michigan Invasive Species Network. The list of



- A. All new uses and/or structures except one-family or two-family residential units on non-waterfront lots, associated accessory structures to one-family or two-family residential units, agricultural buildings in the Agricultural district and accessory buildings as a principal use, provided all requirements are met.

**Section 4.** Article V: Site Plan Review Section 5.03 Site Plan Review (All Districts) Part 4 Application Submittal Procedures of the Hayes Township Zoning Ordinance is hereby amended as follows:

- 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.

*[Note: The current subsections C. through E. will be re-lettered to be D. through F.]*

**Section 5.** Article V: Site Plan Review, added Section 5.04 as follows:

**5.04 – Waterfront Development Review**

To ensure compliance with the waterfront provisions of this ordinance, an added layer of review is required for all residential waterfront development and any modifications to the Shoreland Protection Strip. This added layer of review requires a Shoreland Landscaping Plan in most instances for the area within one hundred (100) feet of the Ordinary High Water Mark and Site Plan Review for all new residential waterfront dwelling units. Please refer to Section 3.14.8 for the review process and approval criteria.

**Section 6. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township, unless a later date is specified.

Township of Hayes

By: \_\_\_\_\_

Ron VanZee, Supervisor

Adoption date: \_\_\_\_\_

By: \_\_\_\_\_

Marlene Golovich, Clerk

Effective date: \_\_\_\_\_