

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 18, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Kendell Milton, Tom Mahaney

Members Absent: Andy Smith (Vice Chair)

Staff Present: Thomas Murray (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, and seconded by Ventura, to approve the agenda as written

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

December 21, 2015

Motion by Meister, and seconded by Ventura, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PRESENTATIONS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Continued discussion – Ordinance #35 Firearms Ordinance and discuss a possible February 15, 2016 Public Hearing

Sikkema asked Murray if the Planning Commission would be holding the Public Hearing. Murray indicated that in non-zoning ordinances, this would usually be the case.

Murray indicated the changes that had been made to Ordinance #35 included some spelling corrections, changing old zoning districts to the new zoning districts, and then updating the signatures and dates when approved. Murray indicated he was looking for any changes that may be proposed, and date when the Planning

Commission would like to have the Public Hearing.

Ventura indicated that the State regulations for the distance from a building for discharging a firearm was 450' and we were still using 500', so he thought we may want to correct that to bring it in line with the State.

Bohjanen asked about the introduction paragraph, which states "... *the Charter Township of Chocoday, a Municipal corporation of the State of Michigan ...*" and if this was correct. Murray indicated that this is a correct statement, as far as he knows, but he will check to make sure.

Bohjanen also pointed out there is a clerical error in the definition of "Shotgun", it states "...commonly used to fire multiple ~~projectile~~ *projectiles* ..." It also goes on to say, "...on each discharge from a single barrel." This is technically correct, but a double barrel is also a shotgun. He proposes changing it to state, "...on each discharge from a ~~single~~ *barrel*."

Bohjanen also discussed that portion of the minutes where Meister had indicated he did not want to put a restriction on a PUD plan. Bohjanen indicated he agreed with this and felt that Section 3.(f) on Restricted Zone should be changed to not include PUD as that comes with its own restrictions. Sikkema restated the change on Section 3 (f) to read, "...~~R-1 – Single Family Residential District, R-2 – High Density Residential District, MFR – Multi-Family Residential District, WFR – Waterfront Residential District, MP – Municipal Properties District, C- Commercial District, and I- Industrial District, and PUD – Planned Unit Development ...~~"

Bohjanen also indicated that he also has a problem with the wording of Section 8 – Repeal, which states "All ordinances or part of ordinances in conflict with the provision of this Ordinance are hereby repealed." He feels to be able to make a statement such as this that all the other ordinances need to be reviewed to make sure there is nothing in them that may cause this to be repealed. Sikkema indicated that he could see there could be a possible conflict with a noise ordinance.

Section 6 – Penalties was discussed concerning the wording of misdemeanor versus a civil infraction. The consensus was to leave the wording as is.

Section 8 – Repeal was discussed, and Sikkema indicated that there was a recent ordinance (Burn Ordinance) that should have this same type of statement. Sikkema asked that Murray and Throenle check into the wording of the repeal portion of that ordinance.

Bohjanen questioned if this ordinance was ready to go for Public Hearing based on the changes. Sikkema asked if Bohjanen wanted this held off until March. It was decided that this Ordinance will go to Public Hearing in February.

B. Commercial Zoning District Uses / 2016 Priorities

Murray indicated that this is being brought before the Planning Commission, as this was something that was discussed at a meeting in August of 2015.

Concerning the Commercial Zoning, Sikkema indicated the thought is to increase the flexibility to allow some form of residential use inside the commercial area, such as apartments on the second floor or behind the business. This would be seen as an accessory use to the property. Sikkema questioned if Woodward had previously found any mixed use ordinances from other jurisdictions that could be used as a model or example. Sikkema felt it would be helpful if some research could be done on this. Murray indicated that a large percentage of the commercial zone is along the highway, so traffic speed may be a problem. Milton thought there may be some problem with fire protection. Sikkema indicated that this is a way to encourage development of some of the vacant property we have, as he doesn't know for sure if they are just not putting things on the market, or if the zoning is keeping development from happening. Murray proposed that a mailing could be sent to all business owners in the next month or two, and have an informal work session to get business owner input. Meister indicated that he thinks part of the idea is to bring more businesses in, and to make it easier for them to succeed. This would give them additional revenue, so it may get some businesses to come in that may not come otherwise, and it would help encourage growth. Bohjanen indicated that even though the majority of commercial is along the highway, there are some that are a block or two off the highway. Because of the way it is situated right now with only one use, the situation keeps coming back to the Planning Commission to rezone the parcel between commercial and residential. If there was mixed use, the rezoning would not be happening as much. Sikkema indicated that this is one of the top priorities for the Planning Commission for 2016, to revitalize the Harvey location. He feels getting ideas down on paper may be difficult because it's hard to know what it will look like. Sikkema feels that having business owners come in is important, but he also feels that owners of vacant property should be included in the discussion also. Sikkema feels that this will be a complex thought – he feels there needs to be something out there as to what the Planning Commission is considering. Ventura indicated that it is important that the Planning Commission have a better idea on what they want to see, and propose that as a starting point. Mahaney pointed out that the Planning Commission does need to be careful with the residential district that butts up along a commercial district, especially with the mixed use – the type of business may have a bigger impact as you are encroaching on a residential neighborhood. Murray also reminded the Planning Commission that they would need to remember the setbacks on the different zoning, especially in the transitional uses. Ventura indicated that we already have this. Bohjanen indicated that he would envision four zones – a commercial zone on the highway, a commercial with residential as a conditional use as the next tier, a residential with commercial as a conditional use as the next tier, and a residential. Bohjanen indicated you could incorporate buffers into the conditional use approval. Sikkema indicated that the zoning may be more of leaving it commercial, and having a residential as a conditional use. Instead of making it a mixed use, the Planning Commission could look at it on a case by case basis. Ventura asked if that is how downtown Marquette

is – primary use is commercial, with a secondary use of residential. Mahaney feels mixed use should be pursued. Meister agreed, and felt that it could expand later if needed. Meister wondered about an area such as Corning Street, which is zoned commercial, but has residential along it. Sikkema indicated that if you made it conditional use, people may just look at the zoning, see it as commercial, and not pursue looking into the ordinance to see that it is a conditional use as residential. If it was truly a mixed use, they would be able to look at it and see what the uses were. Sikkema felt the easiest way would be to make residential a conditional use, otherwise you are trying to rewrite the ordinance. Sikkema indicated that possibly there could be an interim addition to the ordinance, which would add residential as a conditional use. Ventura indicated that would be good, as it would then give the Planning Commission time to research and develop their own mixed-use.

Bohjanen indicated that Woodward had put together a chart for the Planning Commission to go over and indicate what they thought should be in each area. It was very complex, and was tabled quite a few times. He feels a similar type of matrix (not as complicated) dealing with one zoning district at a time may work.

Meister indicated that before a letter is sent out to businesses and residential, it would be good if the Planning Commission has a chance to take a look at what they would like to see happen. Meister also indicated that it would be a good idea to touch base with some of the land developers in the area on thoughts to what may be needed. Murray also indicated that possibly in the discussion to have input on what may be stopping people or businesses from coming to the area. Bohjanen indicated that one thing that comes up in every conversation is that Chocoy does not have a municipal water supply.

Sikkema asked that the matrix be brought forward at the February meeting, with a focus on the commercial district. Also, he suggested some research be done on other jurisdictions that may have mixed-use and a listing of what is in the Harvey commercial district that is vacant and could be developed. Meister asked for a zoning map that focuses on the commercial district.

2016 Priorities – Murray went over the priorities that were established in 2015, and the proposed 2016 priorities.

Review and adopt amendments in the Zoning Ordinance to implement the Zoning Plan of the Master Plan, beginning with mixed use options in the commercial zoning district, short term rentals of single family dwellings, zoning classifications, and accessory homesteading activities.

Sikkema indicated that in the zoning ordinance amendments, he thinks most of those have been cleaned up. Woodward had a list on what the Planning Commission had decided on the amendments that needed to be looked at. Sikkema indicated that this priority was to clean up some actions that had been taken.

Meister questioned the zoning classifications, as he thought the Planning

Commission had decided they were not going to change the classifications, as they did not feel a need.

Meister asked about short term rentals – is this the term for the vacation and resort rentals. He suggested that since City of Marquette is going through this right now, it be put at a lower priority until they see how things work out in the City. The Planning Commission came to the consensus that this should not be a top priority at this time, but it should not be taken off the list. This will be moved to Priority 4.

Sikkema asked about Accessory Homesteading, such as chickens, should be taken up in 2016. This was discussed quite a bit when writing the Master Plan. Murray indicated that the Planning Commission should review this section in the Master Plan.

Reconsider property access via private roads, easements and driveways.

Sikkema indicated that this has come up in public comment a couple times, but nothing that the Planning Commission has discussed. Ventura indicated that it would have been discussed when Dollar General was trying to get access. Sikkema indicated that there is something on this in the Zoning Ordinance, and Murray indicated that a private road can be access for up to four (4) properties. Meister asked if the current ordinance includes anything about maintenance. The Planning Commission remembered talking about this, but no action was ever taken. The Planning Commission will take a look at this ordinance at the February meeting.

Meister asked about fences for areas such as the front of the house on Lakewood Lane – should this be brought before the Planning Commission. Murray indicated that rather than change the ordinance, which would allow all properties to do this, it would be better to through the Zoning Board of Appeals on individual issues.

Consider a zoning amendment regarding seasonal rentals.

This will be considered under the short-term rentals after the City of Marquette has worked through it there.

It was decided that **Priority 2, Priority 3, and Priority 4** will stay the same.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Mahaney – felt this was a good meeting

Meister - none

Ventura – will not be available for the February meeting

Milton – none

Bohjanen – wondered about the Beaver Grove permaculture park. Throenle indicated

he would be making contact with people involved. Throenle also discussed things going on at the Recreation Areas.

Sikkema – asked for updates on the Planning Director vacancy. Murray indicated that Throenle is the new Planning Director / Zoning Administrator as of Monday, February 1. Sikkema extended his congratulations.

XI. DIRECTOR COMMENT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 8:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 15, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Tom Mahaney

Members Absent: Bruce Ventura (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant), Brad Johnson (DPW Foreman)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, and seconded by Bohjanen, to approve the agenda as written

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

January 18, 2016

Motion by Bohjanen, and seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mitch Koetje and Mark Pantti from Marquette Little League expressed interest in commenting during discussion of VII.B Silver Creek Little League Proposal.

Public hearing closed.

V. PUBLIC HEARINGS

See VII.A (Firearms Ordinance #35)

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Firearms Ordinance #35

Public Hearing

Sikkema opened the public hearing for the Firearms Ordinance. Throenle indicated that there was a written comment included in the packet (Item VII.A.2) that should be included. No other comments received. Public hearing closed.

Commission Discussion

Sikkema indicated that there had been language received from the DNR that expanded the definition of "buildings". He felt that this made sense. Sikkema also brought up the

definition of a “firearm” in the ordinance as reading, “...*any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass or masses by means of an explosion.*” The next definitions include “*Rifle*”, “*Shotgun*”, and “*Handgun*”, but the only time any of these terms are used in the Ordinance is the word “shotgun” in Section 4.b. He feels that this could add confusion to the ordinance, as a firearm would also include a shotgun using bird shot. Mahaney questioned why shotgun is the only firearm mentioned, when the term “firearm” also includes handguns and rifles.

Throenle asked if he should rewrite the definitions and eliminate the separate definitions of shotguns, rifles, and handguns. Sikkema felt this would be a good idea, as the words rifles and handguns are not used in the ordinance.

Mahaney wondered if the firearm definition meant that a pellet gun or BB gun is okay. Sikkema stated he felt they were okay.

Throenle asked if the purpose of this ordinance is to say that you cannot fire a firearm within 450 feet of any building or in a restricted zone. Sikkema indicated it was.

Meister indicated his thoughts are that the building part is for any zone, and then 4.b takes it a step further with the restricted zones.

Throenle indicated that the goal is to make this ordinance easy to understand and enforce, and likes the concept of adding “rifle, shotgun, and handgun” under the definition of a “Firearm” in Section 3.a, and eliminating the definitions of “Rifle” under Section 3.b and “Handgun” under Section 3.d. Throenle does not want the ordinance to become so restrictive you can’t shoot anywhere.

Sikkema stated that the definition of Section 3.a which currently reads, “*The word “firearm” as used in this Ordinance, shall mean any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass or masses by means of explosives.*” be changed to **Section 3.a – Firearm, “The word “firearm” as used in this Ordinance, shall mean any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass or masses by means of explosives, and shall include, but not be limited to rifles, shotguns, and handguns.”**

Sikkema then discussed Section 4.a, and rewrote it to include citizen comments. Section 4.a currently states, “*Discharge any firearm within 450 feet of any building located in the Charter Township of Chocolay without the consent of the owner or occupant thereof ...*” and is proposed to read “**Section 4.a – Discharge any firearm within 450 feet of any occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.**”

Section 4.b currently reads, “*Discharge any shotgun loaded with slug, ball, buckshot, or cut shell load, rifle or handgun in a Restricted Zone as herein above defined.*” and is proposed to read, “**Discharge of any firearm in a Restricted Zone, as herein defined**

above, except that shotguns shall be permitted in the Restricted Zone if it is not loaded with slug, ball, buckshot, or cut shell load.”

Sikkema asked if the definition of “Residence” needs to be expanded. It was decided that Section 3. Definitions will be expanded to include, “**Section 3.d Residence – Residence shall mean a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.**”

Section 3. Definitions will now include, (a) Firearm, (b) Shotgun, (c) Building, (d) Residence, (e) Restricted Zone.

*Meister moved, Bohjanen seconded that after holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the draft changes to Ordinance #35 Firearms as **changed** for the following reasons:*

- 1. To designate zoning districts consistent with the zoning districts identified in the current zoning ordinance.*
- 2. To make editorial corrections to the ordinance text.*
- 3. To make consistent with State of Michigan Department of Natural Resources regulations.*

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

B. Silver Creek Little League Proposal

Throenle opened with Staff Analysis introducing representatives from the Marquette Little League, Mitch Koetje and Mark Pantti.

Koetje stated that Marquette Little League is in the process of expanding their numbers – they increased by 50 players last year and they expect to keep increasing. To make sure they could accommodate all that wanted to play, an investment of approximately \$35,000 was made in upgrades to the field at Silver Creek, with \$7,500 of that coming from Marquette Little League. These improvements allowed 9-12 year olds to be able to play full baseball, in comparison to the time-limited that they were allowed prior.

Since there is limited time and field space for all the divisions, and they have a grant opportunity through Little League International, they have developed a concept for the T-ball and rookie ages (5-8) for developing a “rookie complex”. This is smaller in size and would allow the younger players to play proper positions on the field, and to improve their skills. They are suggesting that the rookie field be developed where the soccer field presently sits. Pantti indicated that based on the registration numbers of last year, approximately 43% of the children were from Chocolay Township.

Throenle explained that Marquette Little League is looking to put the “rookie complex” where the current soccer field is. Little League already has approval to reduce the fence on the current field from 312’ to 210’. Part of the consideration of this project is the also

depends on the plaque that is located near the soccer field. As part of the build of the soccer field, the field was dedicated to Jack Urbaniak. A conversation will need to be held with the Urbaniak family to determine if this can be changed. The current soccer field is not being used for league play. Other considerations are the traffic flow through the park, and restroom facilities. Throenle stated that if the grant that Marquette Little League has applied for goes through, they are looking for permission to move forward with the project.

Koetje indicated that right now Little League is playing on the field 3 nights per week, and with the addition of the new field, they would be at 5 nights per week. Mahaney asked how long the season lasts. Koetje indicated that it starts sometime in May or June and last until the end of July. Koetje also said another goal for this field is to have a State certified field, which does not exist at this time. The original game plan is to get the main field up to State regulations for tournaments.

Mahaney asked about enrollment numbers. Koetje indicated that they continue to increase.

Brad Johnson, Chocolay DPW Foreman, indicated that another consideration to make this happen is the need to get in touch with Superiorland Soccer Association, as he believes that they are the ones that paid for the irrigation system at the soccer field. Johnson also plans to contact Larry Gould, former DPW Foreman. Another contact would be Al Beck.

Koetje indicated that their plan is to be self-funded. It was also indicated that Marquette Little League is planning on this being long term.

Throenle indicated that this is a redesign of where recreation can happen, and if there is a demand for soccer, there is room for soccer to grow at Beaver Grove. Throenle also pointed out that the Township Board has granted Marquette Little League first use of the field for the next ten years. Disc golf would still exist around the perimeter, and the portion that has the tennis courts would be redone in quarters to have two tennis courts, a full size basketball court, and baseball batting cages and bullpens.

Mahaney asked about the feelings of the soccer association for this project. He feels this is a good idea. Koetje indicated that the soccer association has a very strong commitment from the City of Marquette.

Koetje indicated that 100% of the money that Marquette Little League takes in goes back into the field, equipment, and the kids.

Smith asked if the field at Silver Creek was enough to get a tournament in. Koetje indicated that if they host a District or State tournament, one field is enough.

Mahaney asked if it was anticipated that the project would get done this summer for use next year. Koetje indicated that if he is able to get this approved, he would have it done by June 1 of this year. Provided the grant comes through, Koetje has everything lined up and ready to go.

Meister questioned if the Planning Commission approves this, but then the grant doesn't come through, is there a backup plan. Koetje indicated he was already working on that. Bohjanen wondered about the shortening of the baseball field from 312' to 210', and would this jeopardize the ability to have tournaments. Koetje indicated that the 210' is regulation and shortening would put it into compliance, and the fencing would be 12' high.

Koetje indicated that the grant application had made it to the second level, and indicated to the Commission that the amount asked for was \$74,500.

Sikkema stated that his concern was that they would be taking the recreation area and turning it into a baseball complex. He feels that this is a good area right now, as it offers a lot of opportunities for a lot of people, and gives the children of the area a place to go during the summer to play soccer. This would turn it into a baseball complex. He feels it would take away the whole aspect of that neighborhood. Smith indicated that it is a very handy area to get to, and Beaver Grove would not be an option for a 12-year old kid. Sikkema feels that if the Township wants to support a monolithic use such as this, it might be better to do that at Beaver Grove, since there is already a drive involved to get to the Silver Creek area. Sikkema questions if this is the right place to build. Sikkema has a hard time supporting this as it is a special interest use, and will potentially take away from the Harvey area. He feels that having a broad spectrum of uses in our parks is necessary, and this would be taking away from that. Sikkema wondered if there is something else out there that would provide well rounded facilities on a neighborhood basis – things should be closer to the kids that need to use them.

Meister asked if there is any type of information on how much the current field is used. Throenle indicated that there was nothing.

Koetje indicated that Marquette Little League will hear next month if the grant is approved, and if approved, they will have one year to use the grant. Smith asked how soon a decision was needed, and if it was needed to proceed with the grant application. Koetje indicated that they had already applied for the grant. Koetje indicated that if Silver Creek is not the option, they would look at other options in Chocolay Township. Koetje indicated that at this point, City of Marquette was not an option, and they had not approached Marquette Township.

Sikkema asked what was needed from the Planning Commission. Throenle indicated that possibly a motion was in order, which could accept the proposal with the condition that the Little League comes back to the Planning Commission after receipt of the grant for acceptance of the full plan.

Smith asked if there was more room to move the disc golf. Johnson indicated that this had been maxed out. Throenle stated that it started out as a 9-hole course and has now grown to 18 holes. Mahaney indicated that he lives next to Cherry Creek school, and does not see the field being used much. Johnson indicated that DPW is spending lots of time maintaining the field at Silver Creek.

Sikkema stressed that this is a large piece of property, and the Planning Commission needs to look at what is the best use for the Township. He feels that once it is gone, we cannot get it back. Sikkema also feels that there should be a conversation with Superiorland Soccer Association to find out why the soccer field at Silver Creek is not used.

Koetje questioned if this complex does not happen at Silver Creek, would there be an option for this to happen at Beaver Grove. Throenle indicated that although there are 14 acres at Beaver Grove, it would require considerable work due to the slope and the lack of irrigation.

Bohjanen indicated that he thinks the concept is good, and whether the location is satisfactory or not is yet to be determined, but feels the Planning Commission should cooperate and endorse the concept and then get the rest of the answers.

Mahaney moved, Milton seconded to support the baseball complex plan as presented at Silver Creek as described by Marquette Little League.

Vote: AYES: 4 NAYS: 2 (Sikkema, Smith) MOTION CARRIED

Sikkema clarified the motion that all this motion was doing was making recommendation to the Board.

C. Early Coordination Notification

Throenle introduced this topic as being presented to the Planning Commission for their input as to how it would impact Chocoday Township.

Sikkema indicated he had some suggestions, which read "Revisions to US-41 for access of the hospital should not degrade or significantly impact the current flow of traffic along the M-28 / US 41 corridor. Degradation of the currently unimpeded traffic flow in this limited access roadway would impact motorists traveling through the area with no intention of entering the city of Marquette. M-28 / US 41 is the only through route across Marquette County. The construction of the replacement hospital should not significantly increase traffic flow, and any changes should not significantly decrease the traffic flow or increase traffic delays. Consider all access options, not just roundabouts."

Sikkema indicated his concern has always been that just because the City of Marquette wanted something, it should not take away from what is currently there. This is a through route – there are a lot of options they can look at.

Mahaney asked if they were considering a roundabout. Sikkema indicated that it would be near Grove Street.

Sikkema feels they should do whatever the best option is, but keep in mind that this is not a "new" hospital, it is a replacement hospital. This will not generate all new traffic – same side of the road and same street.

VIII. UNFINISHED BUSINESS

A. Review of 2016 Priorities

Throenle indicated the reason this is on the agenda is to make sure these are still the priorities of the Planning Commission. Theses would be the priorities that are listed at the end of the agenda.

Sikkema read through the priorities, and it was determined that these were still the priorities that the Planning Commission would like to see. Smith brought up the “Zoning amendment relating to seasonal rentals” in Priority 4. Mahaney stated that at last month’s meeting, it was determined to wait until the City of Marquette goes through this process. Sikkema indicated he had a lengthy phone message from a resident that was very concerned about this issue. Smith indicated that it seemed like this had come to the Planning Commission attention 3 or 4 times, and it always seems to get tabled with no action taken.

Sikkema asked if anyone wanted to see “seasonal rentals” put on an agenda to deal with this issue – the majority of the Planning Commission stated they did not want to see it on the agenda, and it was felt that this had already been dealt with.

Bohjanen indicated that he had not been at the last Township Board meeting, and at that time a question on the survey was removed that dealt with seasonal rentals.

It was determined by the majority that this would no longer be listed as a priority.

B. Commercial Zoning District Uses

Throenle explained that he took the table as it was before, and reworked it to make it simpler to work through.

Throenle indicated that the Planning Commission should look at VIII.B.5, VIII.B.6, and VIII.B.7 for explanations.

Meister indicated that he thought the Planning Commission had already went through this with Woodward at her last meeting in September.

Sikkema recommended that if anyone has questions on what the assignment actually is to ask them now, so that these can be gone through at the next meeting. The Commissioners need to take a look at the districts on the matrix on VIII.B.7 (MU-C Mixed Use – Corridor, MU-N Mixed Use – Neighborhood, and MU-V Mixed Use Village) and look at the principal and accessory uses, and determine if they are C – Conditional Use (which would require Planning Commission approval or P – Permitted use in that district. Sikkema indicated that the Planning Commission should go through this matrix and determine if they agree.

Smith asked how many districts are they planning on creating. Throenle indicated it was 14.

Sikkema pointed out that in a previous meeting the Planning Commission had stated they possibly did not want to make changes to all the districts in Township, but to

start in the Harvey area. Throenle pointed out the zoning map (VIII.B.2), and stated there are three other commercial districts in the Township besides the Harvey area. Throenle indicated that these should be kept in mind when looking at the mixed use districts for commercial.

Sikkema indicated that the second assignment is to take a look at boundaries and determine if they seem appropriate.

Smith asked if the Planning Commission is going to be tackling one district at a time. Throenle indicated that this is how it was passed off to him, with the first area being the corridor.

Smith asked what the process would be to add or change zoning and how long it would take. Bohjanen indicated that this would be a rezoning process. Throenle indicated it could take months. It would need to go through the Public Hearing process with notification of affected landowners.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Bohjanen – none

Milton – none

Smith – none

Meister – indicated that he will be gone next meeting

Mahaney – felt this was a good meeting

Sikkema - none

XI. DIRECTOR COMMENT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Bohjanen indicated that the Township Board meeting minutes come too late. It was decided that the packet should include the Township Board “draft” minutes for the current month.

Bohjanen also had a question on the County Planning Commission approval and disapproval of rezoning in the County. If they do not approve the rezoning, does that stop the process? Sikkema asked Throenle to check on this for the next meeting.

ADJOURNMENT

Sikkema adjourned the meeting at 9:20 p.m.

Submitted by:

Planning Commission Secretary

Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 21, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Richard Bohjanen (Board), Kendell Milton, Tom Mahaney, Bruce Ventura

Members Absent: Eric Meister (Secretary) (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

*Motion by Ventura, and seconded by Bohjanen, to approve the agenda with additions. (Sikkema requested that the agenda be revised to include **Director's Comments** under Item X. Commissioners Comments to allow the Planning Director to update the Commission.)*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

February 15, 2016

Motion by Bohjanen, and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 Abstain: 1 (Ventura) MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

See Item VII.A

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Zoning Ordinance Text Amendment 34-16-03 – Campground Conditional Use in AF district.

Staff Introduction

Throenle stated there had been a request to add campgrounds to the AF district. The report that is included in the packet has some interesting history. As far back as 1996, campgrounds were included in the RR2 district, which is listed until 2008. When looking through the history, there were various amendments to the RR2 district, none of which removed campground as conditional or permitted use in that district. When the new

ordinance was adopted in 2008, the definition for campground was still included, but campground had been removed from the ordinance in the AF district, with nothing explaining why it was removed. It does show up in municipal, which it did not exist under before. This could possibly be an inadvertent move to the wrong category.

Sikkema asked if campgrounds had been in the RP (Resource Production) district. RP ultimately turned into AF. Sikkema asked if RR2 (Rural Residential 2) had all turned into R1. Throenle stated he wasn't sure, but during that period of time Gitche Gumees (example) was tagged as an RR2 parcel, and is now an AF parcel.

Smith indicated that even though he had no prior knowledge of this until he got the packet, he would be abstaining from the vote on this item, as the application was from his father.

Ventura asked about the current ordinance – would someone be able to have a campground on the Township lawn, as this is a municipal property. Throenle indicated that to be defined as a campground, there must be a minimum of 3 campsites and there must be approval by the DEQ. Sikkema asked if the only place a campground is currently allowed in the Township is municipal property. Throenle stated this is correct.

Sikkema asked about the DEQ approval, and if it was needed for public and private campgrounds. Throenle stated that the DEQ looks at the location and issues a separate permit.

Mahaney asked if the definition being used for campground is the 2008 definition. Throenle stated it was.

Ventura questioned what the DEQ would be looking for. Throenle indicated the DEQ would be looking for water issues, space to be utilized, how it affects the surrounding area, the number of sites, type of campground, etc.

Public Hearing

Dick Arnold, 312 West Branch Road - lives in the AF district, and the AF district has 840 parcels, 512 of which are non-conforming (under 20 acres). He was wondering if the parcel in question could be rezoned to commercial, or at the very least, if it has to go into the AF district, to make sure it is a minimum of 20 acres. Arnold doesn't feel the Township is serving the people that live there.

Public hearing closed.

Commission Discussion

Bohjanen stated that the 512 non-conforming properties were probably the RR2s in the old amendment. Sikkema indicated it could be, and some were split before the 20 acre minimum went in.

Ventura commented that according to the definition of campground, it would not apply to a mobile home park. It may apply to recreational vehicles.

D. Arnold (public) indicated that a small area would be more disturbing than a 20 acre

parcel. Most people in the AF district have been there 20 – 25 years, and the Township keeps adding uses – race tracks, shooting ranges, etc. The residents moved there because of the larger lots, and by doing this it takes away from the original intent.

Sikkema indicated that with a Conditional Use it would have to go before the Planning Commission, and they would be able to discuss different options – buffer zones, fencing, signage, etc. It would be nice to have something like this documented as a procedure. Smith asked if there was any type of checklist that could be used for submittal of a conditional use application. Throenle indicated that there is – it walks the applicant through the application and site plan, along with setbacks and governmental regulations. This would be applicable to any conditional use.

Sikkema stated that with a conditional use permit, you should not be able to see a use such as this (campground) from an associated property. In the AF district, you expect certain things – cutting trees, farming to the lot line.

Throenle also pointed out that if a campground is operational, and then the owner leaves for 6 months, and then the property is sold, the conditional use would not be permitted. Sikkema stated that if the conditional use is vacated for 6 months or more, it reverts back to the original zoning district and you lose the conditional use. If the campground is active at the time of the sale, the conditional use permit would stay with the property.

Ventura indicated that one thing that might guide the commission on this would be found on page VII.A.2 of the packet, under conditional uses, #5 and #12. Section 4.7.C.5 reads, *“Recreational uses / structures, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact.”* and Section 4.7.C.12 pertains to kennels, which also has the requirement of 20 acres or more. He feels that campground could fall into the recreational use with the 20 acres or more, and the environmental impact could be expanded to the impact on neighboring properties. He feels this would address Arnold’s comment. Mahaney indicated this would also prevent campgrounds even being considered on some of the non-conforming parcels.

Sikkema asked what are “recreational uses / structures”. Throenle read the definitions from the zoning ordinance, *“Recreational structure means a cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency.”* and *“Campground is a parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.”*

Sikkema questioned that if “campgrounds” were added to the conditional use, would there need to be a statement with it pertaining to screening, boundary fences, hours of operation, etc. Bohjanen suggested that they write a page of guidelines for each of the conditional uses, as they are all different. Bohjanen feels that the one most disruptive on

the conditional uses is “race tracks” – this would be more disruptive to life than anything else there. Sikkema stated that these guidelines would probably have to be shown as appendices. Ventura indicated that could become a full time job for the Planning Commission, or it would have to go on a case by case basis, which would leave it open to the judgement of whoever is on the Planning Commission at the time. Mahaney stated that there could be general guidelines written up to cover everything. Sikkema indicated then the Planning Commission could go through and decide what would be needed in each particular instance. Ventura indicated this was a good idea as it would then leave it to the sitting Commission – have a checklist that could be looked at, but not ordained. Smith indicated that public hearings also help with this. Sikkema indicated that Dick Arnold had made a good point – that zoning is to protect the residents that are there, and they should have some assurances that whoever sits on the Planning Commission is looking out for their best interests, and not just trying to facilitate some other use of property. Bohjanen pointed out that on the future land use map, there are only two pieces of recreational property – one is the proposed park on the Bayou, and the other is on the south side of the Chocolay River. The recreational properties in the Township are municipally owned.

Sikkema asked Throenle if expanding the checklist would be helpful, or is it better to just leave it on a case by case basis. Throenle indicated it would be beneficial to him to have it on a checklist as things to remind the applicant to think about, but it should still go to the Planning Commission on a case by case basis. Mahaney asked if the Conditional Use permit required a Site Plan review. Throenle indicated it did. Mahaney indicated that this would address many of the environmental issues. Sikkema indicated that if you buy a property in AF, there needs to be some assurance that your investment will be somewhat protected. The conditional use permit needs to put enough restrictions on it to protect the adjacent properties. Bohjanen indicated that writing up guidelines for each conditional use would not be daunting – some would require very little work. As long as they are written up as “guidelines” and not as a “mandate”, and they would still get reviewed at the time of the conditional use.

Bohjanen asked what “WECS” stood for – Throenle replied “Wind Energy Conversion System”.

Mahaney pointed out that in Marquette, at one time 3rd Street was probably all residential, but times change.

Mahaney wondered if there shouldn't be some type of condition, such as not less than 20 acres. Bohjanen indicated, as was pointed out in public comment, that most parcels in the AF district are under 20 acres, so there could be something put in the condition for “campgrounds” that it would pertain to lots of 20 acres or more. Milton asked if this could be accomplished by changing the definition of campground. Sikkema pointed out that this would restrict campgrounds in all zoning districts, such as commercial, that were less than 20 acres.

Throenle indicated that campgrounds are not permitted in any district but AF, except for

municipal. The definition could be changed to say, “a parcel or tract of land of 20 or more”, and this would also cover the municipal. This would also cover the conditional use for any other district – would have to be 20 acres or more. He feels the most efficient way would be to change the definition – to start a campground in any other zone would require 20 acres or more.

Sikkema’s concern with changing the definition is that it would set it so that campgrounds could only go in the AF district. Sikkema’s thought is to go district by district. Bohjanen stated the best way for this would be to add it to the amendment. Smith indicated that he felt that anything adding to the AF district should be for 20 acres or more – this would at least make it conforming in the AF district. Sikkema felt that in addition to the 20 acres, there should be buffers and boundaries.

*Ventura moved, and Bohjanen seconded that after holding a duly noticed public hearing, the Planning Commission hereby approves Zoning Ordinance Text Amendment Application #34-16-02 **as changed**, on lots greater than 20 acres with a checklist developed by staff of guidelines for review of a future Planning Commission necessary for approval of the conditional use permit; moves to forward the proposed amendment to the County for comment; and also recommends that the Township Board review and adopt the proposed amendment at their earliest convenience.*

Vote: Ayes: 5 Nays: 0 Abstain: 1 (Smith) MOTION CARRIED

Sikkema asked for clarification on where the checklist would be – Ventura indicated that this would be for the Planning Director to have available when preparing for the Planning Commission.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District Uses

Throenle indicated that a second matrix had been handed out – this one included the first column with an ID number, which had been excluded from the previous handout.

Sikkema stated that the Planning Commission would be looking at “Mixed Use - Corridor”. Ventura stated this would also include “Mixed Use - Neighborhood” and “Mixed Use - Village”. Sikkema indicated that “Mixed Use Corridor” seems very confusing. Bohjanen indicated he felt the logic in coming up with the term was anything that has frontage on US-41 and M-28. Sikkema indicated that by looking at the maps, the only piece he could find that was Mixed Use – Corridor was the Varvil Center. Everything in Harvey was either Mixed Use – Village or Mixed Use – Neighborhood. Sikkema indicated that the Varvil Center is the Industrial area, along with Fraco.

Bohjanen indicated that none of what is on the maps is “as is”, they are “as perceived to be”. Sikkema stated that what needs to be done is to establish what the Planning Commission feels are the correct areas, and then go through the uses and see what is applicable.

Bohjanen indicated that he feels Mixed Use – Neighborhood should be the areas such as Wright Place, Kellogg, Fairbanks, etc. This would be a potential mixed use area. The ideal situation would be to re-designate large areas, as grandfathering will keep everything as is, until they would want to change.

Ventura stated that maybe the first task needs to be where the boundaries are, and then establish the uses. In his mind, the corridor is the major highways.

Sikkema stated that he felt the Varvil Center should be left as Industrial – there are so few industrial areas in the Township, and he didn't feel it was right to take this away. He asked if the Commission should get rid of Mixed Use – Corridor completely, or redefine to areas along major highways.

Bohjanen stated that as long as the Varvil Center is used as industrial, it will remain industrial, but if you have a more permissive designation, then you would be able to have a restaurant there without having a conditional use. Smith felt that industrial should remain industrial. Bohjanen pointed out Item 320 – Manufacturing Establishments - light manufacturing was written in as a permitted use, and heavy manufacturing is a conditional use. Sikkema stated again that if you give up your industrial district, no one will allow you to put in another industrial district. Bohjanen indicated that this goes back to an even bigger question – does the Commission even want to go forward with all the ideas of rezoning the Township. Sikkema indicated he felt they needed to rethink the rezoning in the Village, but leave Industrial alone, as it is too hard to create.

Bohjanen feels that the only area that may benefit from the rezoning would be the downtown district of Harvey – the rest of the Township doesn't really require much. Sikkema agreed.

Bohjanen indicated that this came from the Master Plan, but he felt that the Master Plan was a vision, not a mandate. Along the way, you make the decision as to whether strive toward that vision.

Ventura suggested that what needs to be done is to have the Planning Commission restructure the map to what their idea of the land uses would be. Sikkema indicated the only question he has is if the Planning Commission wants to leave industrial as industrial. Bohjanen indicated that the only part he feels needs to be looked at is downtown.

Industrial will always stay industrial!

Bohjanen asked about the description of "Industrial". Throenle read from the Zoning Ordinance:

“(B) PERMITTED PRINCIPAL USES

- 1. Motor vehicle sales, service, and rental*
- 2. Construction and farm equipment sales*
- 3. Sales of mobile homes, campers, recreational vehicles, boats, and*

monuments

4. *Wholesale and storage uses*
5. *Food packaging and bottling works*
6. *Commercial printing and newspaper offices*
7. *Contractor's yards and shops*
8. *Laundry, cleaning and dyeing plants*
9. *Office buildings*

(C) *CONDITIONAL USES*

1. *WECS*
2. *Other industrial uses, such as manufacturing, research, high technology, and business parks*
3. *Trails*
4. *Wireless Communication Facilities*
5. *Outdoor wood boilers (see Section 6.5) (#34-13-05)*
6. *Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses"*

Smith indicated that he thinks the AF district needs to be looked at, as there are quite a few non-conforming lots in that district. Sikkema indicated that this will go on a priority list, but for right now they will be looking at the Corridor, and give Throenle some direction on what is needed for the next meeting. Bohjanen stated maybe the downtown area could be divided into three districts based on feet from the highway (i.e. the first 300' from highway would be Mixed Use – Commercial, the next would be Mixed Use – Village, and after that would be Mixed Use – Neighborhood). If redesigning the map, would need to look at property lines. Rezoning doesn't mean anything is going to change, but something could change if the residents wanted it.

Ventura wondered about an overlay district – such as a corridor overlay district – and then come up with ideas on what could be permitted there. This makes it easier to put on a map and to work on. Bohjanen indicated that an overlay district requires review.

Smith likes the idea of mixed use with apartments above some of the businesses in the Harvey area. This may be the difference between success and failure.

Sikkema asked if the Planning Commission would like to establish corridor boundaries within the Township. Throenle could then take this information and generate a map for the next meeting.

The Planning Commission established the following boundaries:

- | | |
|-----------------|---|
| 1. US-41 | Welcome Center to Joliet (stop before Joliet) |
| 2. M-28 | US-41 to Nagelkirks (south); US-41 to old bank (north) |
| 3. Cherry Creek | US-41 to Ortman (school side); US-41 to Assisted Living |

4. Beaver Grove South Big Creek Road to Mangum Road

Throenle will develop a map for the next meeting using these boundaries and establish lines that are 500 feet back. If 50% of the parcel is in the line, it will be classified in the Mixed Use – Corridor. Throenle indicated he would use the Child Care Center as a guide, since this appears to be the farthest back. Sikkema asked for the screen for the next meeting. If the property has no access to the highway, it will not be included in the Mixed Use – Corridor.

IX. PUBLIC COMMENT

None

X. DIRECTOR'S COMMENTS

Throenle indicated he will be looking at the sign ordinance in the near future. State ordinance has changed on how we are to look at signs – political signs can no longer be called political signs, real estate signs can no longer be called real estate signs, etc. Verbage on the sign cannot be used to establish what type of sign it is, so there will be some work needed on the ordinance. Sikkema asked if there will still be restrictions. Throenle indicated the restrictions would be based on the location of the sign, not on the content of the sign – can be called a temporary sign, not a political sign.

Sikkema asked about Marquette Little League. Throenle indicated we have not heard from Little League on the status of the grant. There has been a meeting scheduled on Wednesday with Marquette Little League, Soccer Association, and Chocoley DPW to discuss the plans of the Soccer Association. Then further discussion will need to take place with Urbaniak's concerning the sign.

Bohjanen asked about the Verizon tower. Throenle indicated that in the package there were materials concerning Verizon, and their request to downgrade the building to a platform. The permits have been sent to the County, and the hope is to have the tower completed by summer. Sikkema asked about the platform – Throenle indicated that they will put the concrete down and put the electrical on the platform versus building a shed.

Mahaney asked about the community survey – Throenle indicated that we received approximately 200 responses. He is compiling the data, and it will be going to the Township Board.

XI. COMMISSIONER'S COMMENTS

Bohjanen – none

Milton – brought up the ZBA – variance for a non-conforming structure – wanted to differentiate between a structure that is either Class A or Class B. He wondered if the Planning Commission is the body that should be defining this. Throenle explained the situation – house on Shot Point requested a variance to build on the current house to make it two stories, and the property is 27' from the water. The question came back to the viability of keeping that structure.

Ventura – pointed out the Marquette City Commission minutes from last month. They are looking at rental properties, and the piece that Dan Keller is building by Picnic

Rocks. The City Commission is postponing this until they get more information from the Condominium Association. This may be information that the Planning Commission could use when discussing vacation rentals.

Smith – new burger place is nice to see – good burgers

Mahaney – none

Sikkema – none

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 9:06 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 18, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:03 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Andy Smith (Vice Chair), Tom Mahaney

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, and seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

March 21, 2016

Motion by Ventura, and seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Community Survey

Throenle indicated that under the direction of the Township Board, a survey was written up and went out with the tax assessment notices in February. The first question was on the fire siren, and a majority of the respondents approved of the siren. The next question concerned businesses in Chocolay Township that are frequented by Township residents. There is a summary on pages 15 and 16 provides comments that were submitted by the respondents. Question #3 concerns businesses that residents would like to see in the Township. The top answers on this question were a family-style restaurant and a desire for postal services (stamps, sending out packages). Questions 4 and 5 concerned additional services and Township spending.

Throenle stated that the survey seemed to indicate the desire to go back to a small business type environment, particularly along the lines of small retail, which would reduce the need to travel into Marquette. Businesses that are in the southern and eastern parts of the Township were not mentioned.

Meister wondered if some of the answers had to do with how the question was phrased (using the word "frequent"). Throenle indicated this may have been a factor in the answers received.

Throenle indicated that there have been approximately 300 responses. Sikkema indicated that mailing the surveys out in the tax assessment notices was a good idea. He wondered if the majority of the responses were paper. Throenle indicated that 67 of the responses were online.

Sikkema asked if the Township tracks usage on the website. Throenle indicated that this was being tracked until the end of last year. At that time, we were averaging about 3,000 hits per month.

Ventura indicated he thought it was interesting that a number of the comments were used to air grievances, and had nothing to do with the question being asked. Throenle indicated that the comments were recorded as written.

Throenle indicated that staff has been asked to look at the survey, and determine what we may see as things to be incorporated into the Township.

Ventura indicated that there were an interesting percentage of the respondents that were in favor of retaining the fire siren.

Sikkema asked the Planning Commission for comments or suggestions on things the Commission should be working on. He feels there is a change of focus based on the responses, and that the Planning Commission is on the right track in developing small business in the corridor area.

Throenle indicated that based on conversations in his office, people would prefer to have the services needed in the Harvey area, and not have to drive to Marquette.

Meister indicated that the Planning Commission needs to structure the corridor to make sure there is availability of property and zoning to create the type of environment that residents are asking for.

Bohjanen feels that the Post Office issue has come up before, and that this should become a priority. Throenle referred to Township Manager, Steve Lawry's memo, which indicates staff will be looking into the possibilities of a branch Post Office, and consideration of the Township providing these services. Throenle also indicated that Iron Bay Computing offers shipping services at their business. This has not been publicized. Additionally, he will talk with Cherry Creek Market. Sikkema indicated that you can already get stamps at Cherry Creek and at the bank out of a dispenser. Sikkema also stated that this has been looked at before, but that the Post Office provides no funding to a business to be able to do this. With FedEx or UPS,

you will be able to incorporate a small markup to cover the costs, which you would not be able to do with postal mail.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District Uses

Throenle indicated that at the last meeting he was asked to come up with maps that showed a 500 foot corridor going down US-41, M-28, and Cherry Creek Road. Throenle indicated he had left the Industrial district on M-28 as is, but included the Unitarian Universalist church to show that there was a break between the industrial and the next commercial. He also mapped out US-41 South below M-28, the Mangum Road area (businesses around Mangum Road and Beaver Grove), and the PUD that is further down in the Township.

Throenle asked about a parcel (Pet Sitter's Kennel) that seems to be spot zoned to accommodate the kennel. Sikkema ventured a guess that when the zoning was changed in 2008, that parcel was in the AF district. Meister asked if this was a 20 acre parcel – Throenle indicated it was not (1 acre). Sikkema indicated that it could have been an RR2, and was switched to AF to keep the kennel conforming. Sikkema asked if that parcel had its own parcel number. Throenle indicated it did. Bohjanen indicated that the kennel was there prior to the 2008 zoning ordinance, but that it would seem logical to make it a grandfathered non-conforming use. Sikkema indicated that if it was non-conforming, it would be non-transferrable to a new owner, so this may have been a concern. Bohjanen asked about the gap between the parcel and the highway that is zoned R1. Throenle indicated that the parcel sits within the property owned by the same owner.

Throenle explained the process he used when marking the 500' line on US-41, around the corner on M-28, and also down Cherry Creek Road stopping at the LDS church. Meister asked if the church is supposed to be commercial. Throenle said he wanted to show that there was non-residential going down Cherry Creek Road. On the other side of the road, there is Ewing Estates, LSS Manor, and Carmen Drive. On M-28 he went down to Nagelkirk's. Throenle also indicated that there is a description in the packet (VIII.A.9.a and VIII.A.9.b), sorted by parcel ID and parcel address.

Sikkema asked Throenle if they should be talking about overlay zoning – Throenle indicated that the 500' line is the first part of the process, to decide which parcels belong in the area to be called Mixed Use – Corridor. Then it would be decided if these parcels would be a change to zoning, or an overlay district to the zoning.

Sikkema started with the map (VIII.A.2) to get input on if anything appeared to be missing or should not be in there. Bohjanen asked about the segment on M-28 between the two parcels where the church is located – there is not a lot of residential between the Unitarian Universalist church and the Rock Shop – and this could be added to the corridor.

Sikkema indicated that there was a discussion last meeting on the Industrial zoning. He feels that industrial should stay industrial. Meister indicated that he agrees with this. Bohjanen indicated this argument is valid, except that if you had industrial added to the Mixed Use Corridor as a conditional use, you would not eliminate industrial, you would actually add to it. Bohjanen indicated that in the Mixed Use Corridor, you will need to define permitted and conditional uses. In this way, you would not eliminate any of the property, but would enable other property to be industrial. Sikkema indicated that a true industrial use would not go there, next to something such as an adult foster care. Milton feels that the uses should not be put together – he also feels that industrial should stay industrial. Sikkema feels that industrial would not take the risk of going into property that is next to a Mixed Use. Ventura indicated that he sees Bohjanen's point, but feels that the Industrial should be kept Industrial, and have the Mixed Use-Corridor on Cherry Creek Road and US-41. Ventura indicated that everything out there right now is either Industrial or Commercial. Ventura asked about the easement – Throenle indicated that this was part of Industrial Drive. Ventura indicated that the Industrial is pretty well buffered from any residential. Throenle indicated that the Industrial district stops at the Rock Shop.

Sikkema asked about the parcels on the south side of M-28 – are they currently residential? Meister indicated that they were commercial, as he rezoned that 25 years ago with his parcel. Sikkema indicated that on the map should also include the parcel to the east (108-020-30).

On M-28 there is the Gateway Plaza on the north side. Throenle went through the parcels. Bohjanen indicated he thought it might be a good idea to include all the smaller parcels in the Mixed Use – Corridor to give the residents more option when they would look at selling their property. Sikkema feels that would just leave residential houses converted to commercial – it would be better to develop the commercial properties across the street. Throenle indicated these would end up becoming a more home-based business. Meister indicated that a larger piece of property would have a more controlled access, with possibly one or two driveways, where on the north side, there would be multiple driveways. Sikkema indicated the north side parcels would have no parking and poor access, and based on what he has seen in other areas, this would be a bad decision. There was discussion on if the residential properties on the north side of M-28 should be in the Mixed-Use Corridor – it was decided that they do not belong in that classification. The parcel that is to the east of the old Northern Michigan bank was discussed – this should be in the Mixed Use Corridor. A question was raised about accessibility – there is none from M-28. Bohjanen indicated that there has been talk about putting a road around the back side of the commercial zone that already exists, going in around the area of the old Wahlstrom's and coming out on the other side of the old Northern Michigan bank. Sikkema indicated that if you create the environment that could be used for commercial, development may occur. Meister indicated that they should encourage

commercial.

Discussion continued with the businesses to the north of M-28 and then going up that side of US -41. Remove 117 West Wright Place, as this is a residential and sits below a significant hill – end at the apartments. Sikkema indicated that anything west of Corning and below Terrace is currently commercial, and is currently in Mixed Use. Bohjanen indicated that from the south side of Fairbanks to Main Street, there was a portion not included. The corner of Corning and Main Street is already commercial, so he feels this should be included. Additional properties on Corning were added for consideration for the mixed use, which would cover Hotel Place and Bayou. Fairbanks south of the Bayou would be part of the project; the remainder would be residential, especially since Fairbanks does not have direct access from the highway. Individual parcels were discussed, and were added or removed based on the location either within the business corridor or close to the access from US 41. Properties next to the bayou should be remain as residential.

Individual parcels were discussed on the east side of US 41, with the mapping continuing down the US 41 corridor to the Township properties.

Additional discussion concerning properties along Silver Creek arose, with consideration for the zoning of the properties. It was recommended that the mobile home park should be rezoned as mixed use to accommodate businesses such as the thrift store at the Silver Creek church.

Parcels currently zoned as Industrial (such as Willow Farm and Fraco) will be left as industrial; others will be left as mixed use. Only two parcels would be added to the right side of Cherry Creek.

Throenle indicated he would provide updated maps at the next meeting to verify the additions discussed in all of the areas highlighted on the maps.

Sikkema indicated that now that the boundaries have been established, now the decision comes down to whether to do a straight rezoning of the properties, or should there be an overlay zone. Sikkema asked Throenle to explain the overlay zone at the next meeting. Sikkema also stated that for the next meeting, all members should go through the matrix that had been previously provided, and decide on the uses for Mixed Use – Corridor. This would involve figuring out what should be permitted use and what should be a conditional use (P- Permitted, C – Conditional, N – No). Sikkema and Milton indicated that they would not be at the next meeting, but will try to provide input before the meeting. Sikkema asked that Throenle email the matrix to all Planning Commission members.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Meister – asked Throenle about the Dollar Store – Throenle indicated that a different firm is looking at the property. Throenle indicated that they had called and asked for specifics – different search group, different property.

Ventura – none

Milton – none

Bohjanen – none

Sikkema - none

XI. DIRECTOR'S COMMENTS

Effective April 19, there will be new flood maps for the Township. The last update was in 1987. There is a link on the website, and you can go in by property address.

The ballfield and soccer discussion – DPW has met with the Soccer Association and Little League. There is now discussion to make Silver Creek the Little League complex and Beaver Grove the soccer complex. 14 acres at Beaver Grove would become the soccer complex, with 2 acres being agricultural. The Permaculture Park has disbanded.

The tennis court project at Silver Creek – multi-use project, which includes two tennis courts / pickleball courts, a full court basketball, and a split of pitching machines / warm up area for Little League. There is a community group looking at raising funds, with a Fun Day planned in June.

Chickens will be coming before the Planning Commission in the future. Sikkema asked who was bringing this before the Commission – Throenle indicated he has had some inquiries from residents and was bringing it before the Commission for discussion.

Sign ordinance will also be coming before the Planning Commission – very tough to enforce, and is 26 pages long.

Investigating a Conditional Use – an individual would like to take the wrecking part of Shaw's Service and put it on an AF district property. The only thing Throenle could find that fit was a Conditional Use for a contractor's yard and shop. If this doesn't fit, there is nothing to offer this individual. Milton asked how much area he had. Throenle indicated that it was a 9-acre parcel. Meister indicated it sounded like it would fit into Industrial much better. Ventura asked how many vehicles would be stored on the property. Throenle indicated 3 – 5 vehicles. The goal of the individual is to stage it for the insurance company, and then it would be gone. Throenle indicated the definition of a Contractor's Yard is, "*Outside area of lot or parcel used for storage, and maintain equipment and other materials customarily used in the trade carried on by the contractor.*" Sikkema indicated that the definition of Contractor's Shop is, "*An enclosed space used for housing, operating and maintaining, of equipment and fabrication of building-related products.*" Milton stated he felt the definition fits. Bohjanen inquired about the property – Throenle indicated it was an AF parcel in the southwest quadrant of the Township. Sikkema stated that you need to look at what you want for the Township – he doesn't feel that you should be able to define yourself as a contractor and then

establish whatever type of business you like. Ventura indicated that it was happening in plain view at Shaw's and no one objected there. Bohjanen indicated that if you worked with the concept of Conditional Use, there would be restrictions such as a concrete pad and adequate screening. Sikkema warned that the Township needs to be careful on what is approved. Bohjanen indicated we need to enforce what we already have. Throenle indicated that he is not looking for approval, just wondering if the definition would fit.

Throenle recently attended a Small Town Rural Conference. At that conference he found out there was a potential for funding and resources, such as grants and potential ways to use some of the vacant properties in the Township.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 9:27 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 16, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:02 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Tom Mahaney (arrived 7:05)

Members Absent: Kendell Milton (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, and seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

April 18, 2016

*Motion by Ventura, and seconded by Meister, to approve the minutes as corrected (Bohjanen pointed out typographical errors on Page 3, 3rd full paragraph, 3rd line "...Throenle **said** he wanted to show ...", Page 3, 5th paragraph, 2nd line, spelling of Bohjanen should be **Bohjanen**, Page 5, 4th paragraph, "Parcels currently zoned as Industrial (such as Willow ~~Creek~~ Farm and Fraco)..." delete **Creek**.)*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Ordinance 41 Animal Control – Chicken / Poultry

Throenle indicated that since becoming the Planning Director / Zoning Administrator he has received five different calls from residents asking about having chickens on their property. Ordinance 41 has a section that relates specifically to poultry. Throenle then researched different areas of the state, and has included two examples from other communities – both are larger and urban – but he felt the

language may be appropriate for Chocolay Township. Throenle indicated that when he received the calls, he had indicated to the residents they should present some type of public comment, either at a Planning Commission meeting, or by some type of handwritten (email or letter). Nothing has been received at this time. In regards to one of the calls, the raising of chickens was for a health alternative for her husband – she wanted to have eggs for personal use without having to go into Marquette and pay the higher prices.

Sikkema asked if Throenle had checked with Marquette Township or Negaunee Township on what they allow. Throenle indicated he had not – at this point he is looking for direction on how the Planning Commission would like him to proceed. Sikkema indicated that there may be different things to look at – the City does not have an agricultural district where residents would be able to raise chickens, but Chocolay does – so it may be a question of “where” you can raise chickens, versus “if” you can raise chickens. One of the examples that Throenle had provided was the City of Ferndale – Sikkema indicated that they probably did not have an agricultural district. Throenle stated that they have a unique situation where they have combined with two other jurisdictions and have formed a large district.

Meister asked what areas of the Township the calls came from – Throenle indicated there were three from the village of Harvey and one on M-28. Mahaney wondered that if you were R-1, but had 10-12 acres, if there could be some type of allowance. Throenle indicated that the ordinance states that anywhere in R-1 is restricted, and only allowed in the AF district.

Ventura asked if Throenle had reviewed the results of the survey that Woodward had done a couple of years ago. Ventura indicated that he remembered the response as being either in favor, or not really having an opinion, even in small lot areas, with certain parameters as to number of birds or size of animals. Ventura indicated that the City had come up with a “policy” basically saying that if the neighbors don’t complain, you could have up to eight chickens. Meister indicated that a couple of barking dogs would be worse than a few chickens.

Mahaney asked if there had been any formal complaints. Throenle indicated that there had been one – it was not so much about the chickens, as it was about the goat that was with the chickens. Throenle indicated he would be looking at chickens only be on a fenced property, and preferably have the chickens contained in a coop. Throenle indicated that one resident had sent a link to a local home supply store that provides chicken coops with up to four coops. Smith wondered if there was a fence, would they actually need to have a coop. Throenle indicated there needs to be a balance – need to keep in mind the potential calls that could come in.

Ventura stated that Ordinance 41 also states that dogs need to be contained.

Throenle indicated that there are other things in Ordinance 41 that need to be looked at, such as “service dogs”. The Ordinance only allows “leader dogs”. Ventura asked about definition of service dogs versus leader dogs. Throenle indicated leader dogs

are specifically for the blind, whereas service dogs can be for a multitude of other conditions.

Throenle also indicated that the Planning Commission would need to look at other animals that may fit into the same category as chickens.

Meister stated that he feels chickens are okay, but does not feel that it should be opened up to a huge variety of farm animals. Bohjanen stated that he was surprised that the Ordinance only specified chickens, and did not include other fowl that would be equally as benign as chickens.

Sikkema stated that the Planning Commission needs to be careful on where they are allowing animals – if all districts are open to having animals, where does someone go if they prefer not to be next to chickens?

Smith wondered if there would be any smell associated with chickens – Meister indicated that he has raised chickens before and the smell wasn't that bad – you just need to clean up.

Sikkema asked the Commissioners how they would like Throenle to proceed. Ventura indicated he would like a draft ordinance of some type. Bohjanen indicated he would like personal poultry raising as a conditional use on properties. Sikkema indicated that a conditional use would get pricey. Smith wondered about the Right to Farm Act – this only pertains to commercial lots. Throenle indicated based on previous court cases, the Right to Farm Act would not apply. Smith wondered about the Right to Farm Act case in Gwinn – Throenle indicated they had won the case and are living on a waterfront property raising animals.

Sikkema again asked for direction for Throenle. Smith would like to have more information, especially from Negaunee and Marquette Townships as to what they have done. Mahaney would like to have more review of surrounding townships. Meister would like to look at other communities to see what has been done. Bohjanen agreed with this, but also pointed out that if there is going to be a change in the Ordinance to keep in mind there will need to be a public hearing.

Mahaney asked what Throenle is telling residents now – Throenle indicated that he refers to Section 41.09, telling them that unless they reside in the AF district, it is not allowed at this time. Throenle also informs them that this will be coming under review with the Planning Commission, and that they should be providing public comment.

For the next meeting, Throenle will research other communities in the township to find out how they are handling chickens.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District Uses

Throenle provided the matrix and explained the codes for the Mixed Use Corridor with:

P = Permitted (no approval needed)

C = Conditional Use (would need a permit)

N = Non-Permitted (not allowed)

Sikkema indicated that the Mixed-Use Corridor was the area that had been defined at last month’s meeting, and basically covers the areas that bound US-41 from Sands Township down to just south of M-28, and on M-28 past Nagelkirk’s on the south side, and just past the Gateway Plaza on the north side.

The Planning Commission proceeded to go through the matrix and determine what types of uses. Meister questioned if there were going to be conditions already written up on the mixed-use – are there certain parameters that would need to be followed (i.e. only in the back, only on the second floor, etc.) for permitted use. Bohjanen indicated that the purpose should be to encourage the use of the corridor for business purposes.

Item 240 Mixed Use Development – Throenle indicated that this will be brought back to the Planning Commission at the next meeting with an expansion of the category numbers.

Item 310 Industrial Service Establishment – Planning Commission would like Throenle to look at definitions of “Medium” and “Heavy”.

100 Residential and Accommodation Uses							
110 Single-Family Dwellings and Care Homes							
A structure containing not more than one dwelling unit.							
ID	Principal uses	Mixed Use Corridor					
		P	C	N			
111	Single family dwelling, site condominium, mobile or manufactured home on an individual lot, and other similar compatible dwellings.			x			
112	Recreational structure ex. cabins and camps.			x			
113	Child Care Center/Day Care Center with fewer than 7 children; Family Child Care Homes; Adult Foster Care Family Home; Adult Foster Care Small and Large Group Homes; Foster Family Home; Foster Family Group Home, State Licensed Residential Facility.		x				
ID	Accessory uses	Mixed Use Corridor					
		P	C	N			
114	Short-term rentals of single-family dwelling			x			
115	Accessory dwelling unit			x			

116	Accessory residential home occupation - Tier 1.			x
117	Accessory residential home occupation - Tier 2.			x
120 Two-Family Dwelling				
A structure containing two dwelling units.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
121	A duplex; a building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Also a lot with no more than two detached dwelling units, similar to and compatible with the above housing.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
122	Accessory residential home occupation - Tier 1.			x
130 Multi-Family Dwelling				
A structure containing 3 or more dwelling units, and may have common accessory services or facilities, such as for laundry or storage.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
131	Apartments, attached townhouses, row houses, and condominiums and other similar compatible uses.		x	
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
132	Accessory residential home occupation - Tier 1.	x		
132	Accessory residential home occupation - Tier 2.			x
140 Single-Family Housing Complex				
A coordinated development of multiple single-family homes.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
141	Mobile home park and manufactured housing communities.			x

142	Conservation cluster residential and development-supported agriculture.			x	
150 Institutions for Human Care and Habitation					
Facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be developmentally dependent, ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, those released from correctional institutions, etc.). Does not include correctional facilities.					
ID	Principal uses	Mixed Use Corridor			
		P	C	N	
151	Nursing or convalescent homes; homes for aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; and homeless shelters.		x		
160 Community Residential Care					
Part- or full-time shelter and specialized care for individuals provided in facilities or single family dwellings. As defined in PA 116 of 1973 or PA 218 of 1979.					
ID	Principal uses	Mixed Use Corridor			
		P	C	N	
161	Large Child/Day Care Centers with over 6 children; Group Child Care Homes; Child Caring Institutions; Children's Therapeutic Group Homes; Adult Foster Care Facilities, and Adult Foster Care Congregate Facilities.		x		
170 Group Housing					
Characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It may be a form of transient lodging. There is usually a common eating area for residents.					
ID	Principal uses	Mixed Use Corridor			
		P	C	N	
171	Monasteries, seminaries and convents, fraternity or sorority. Other housing similar to and compatible with the above housing. Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care and habitation.		x		
180 Lodging and Accommodations					

A facility offering transient lodging accommodations and services to the general public.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
181	Bed and Breakfast, Tourist Home, Boarding House with four units or less	x		
182	Hotels, motels, residence inns, and other resident lodging facilities with five units or more.	x		
183	Resorts		x	
184	Group camps and campgrounds for tents or recreational vehicles.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
185	Accessory food and beverage service, laundry, entertainment facilities and other similar compatible uses.	x		
ID	Temporary uses	Mixed Use Corridor		
		P	C	N
186	Temporary dwellings, tents/yurts, recreational vehicles (not in campgrounds).			x
200 General Sales or Service Uses				
210 Commercial Sales and Service Establishments				
Establishments where the principal activity is the sale, lease or rental of goods or services to the public. There may be accessory processing or service activities.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
211	Neighborhood commercial: Light or intermittent traffic intensity with minimal outdoor storage, handling or display ex. small apparel and gifts; arts, crafts, hobby supplies; handcrafted items; art gallery and fine art instruction; personal care products or services; health stores; bicycle sales, repair and rental; books, magazines; caterer; small grocery stores; laundromat, dry cleaning, tailoring; prepared/prepackaged food and beverage sales; rental, sales and service of non-motorized recreation equipment such as kayaks, canoes, and outdoor equipment; light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing and upholstery; and other similar compatible	x		

	uses.			
212	Moderate regional commercial: Moderate traffic intensity can include some outdoor storage/handling areas ex. automotive parts; appliances and household goods and services; business supplies and services; convenience stores without gas sales; discount stores; large grocery stores; hardware stores; building trades or specialty contractor offices and yards; car/truck wash; gas station; garden center; shopping center or department store; stone monuments/slabs; funeral services; indoor auction facilities; atv, motorcycle, and snowmobile sales; repair of small engines and small electric motors, lawn mowers, snowmobiles, boat motors, ATVs, trail groomers; and other similar, compatible uses.	x		
213	Heavy regional commercial: high traffic intensity or large outdoor storage/handling areas ex. passenger vehicle sales/service dealer; boats/marine supplies; building supplies; large vehicle/equipment sales, repair, rental; industrial equipment or heavy consumer good sales and service; mobile home and RV sales and service; warehouse or superstore; and other similar compatible uses.		x	
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
214	Accessory drive-thru facility (bank, fast food, pharmacy, etc)	x		
215	Accessory gas sales	x		
216	Outdoor display and sales area	x		
217	Outdoor storage		x	
220 Food and Drink Service Establishments				
An establishment where food and drink are prepared, served, and consumed primarily on the premises.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
221	Restaurants (eat-in or take-out, but not drive-through); bakeries; cafes; bars and taverns; nightclubs; cabarets; brewpubs (not including warehouse/mass distribution operations); coffee shops; ice cream stores; delicatessens; diners; soup kitchens; and other similar, compatible uses. Can include indoor entertainment.	x		

ID	Accessory uses	Mixed Use Corridor		
		P	C	N
222	Accessory drive-thru facility	x		
223	Outdoor food and beverage service	x		
224	Outdoor food preparation	x		
230 Office Establishments				
Activities conducted in an office setting which may include accessory cafeterias and health facilities established primarily to service the needs of employees on the premises.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
231	Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; small medical or dental clinics; blood collection centers; government offices; public utility offices; telemarketing sales offices; company headquarters and other similar compatible uses.	x		
232	Large medical or dental labs; hospitals; multi-complex medical centers; laboratories and research parks; development and testing facility; and other similar compatible uses.	x		
240 Mixed-Use Development				
Two (2) or more different land uses integrated in a single structure or on the same lot.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
241	Type 1 (mixed in the same building) can consist of the following uses: 131, 132, 181, 185, 211, 214, 216, 221, 222, 223, 231, 243, 422, 913, 926, 927, 934, 943, 944			
242	Type 2 (mixed on same lot) can consist of the following uses: 131, 132, 141, 142, 151, 161, 171, 181, 182, 183, 184, 185, 211, 214, 215, 216, 217, 221, 222, 223, 224, 231, 232, 321, 331, 422, 423, 435, 436, 437, 512, 521, 611, 621, 631, 632, 913, 921, 926, 927, 943, 944, 951			
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
243	Accessory residential home occupation - Tier 1.			

300 Industrial, Manufacturing and Waste Related Activities				
310 Industrial Service Establishments				
Industrial repair or servicing of machinery, equipment, products or by-products.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
311	“Medium”, including some outdoor operations or temporary storage of materials or vehicles ex. welding shops; machine shops; small vehicle, body, and frame repair; towing with temporary outdoor storage; exterminators; recycling operations (other than vehicles); wholesale lawn and garden services and landscape supply.		x	
312	“Heavy” could include the same uses as medium, but at a greater scale, volume or intensity, plus other uses with greater nuisance characteristics ex. sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; auto and truck salvage and wrecking; junkyards; heavy truck servicing and repair; tire retreading or recapping; truck stops; contractor yards with large equipment stored on site; heavy equipment trade schools; auto recycler; and infectious or contaminated waste disposal.			x
320 Manufacturing Establishments				
Manufacturing, processing, fabricating, assembly, packaging, shipping activities associated with transforming raw or secondary materials into finished or semi-finished products for resale.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
321	Light: large scale food processing; printing, publishing and engraving shops; small vehicle, machinery or vehicle parts assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; furniture and related wood products processing facility; assembly of electrical appliances, electronic instruments and devices; solar devices.		x	
322	Heavy: Wood products manufacture involving extensive use of glues and other chemicals, such as sheet boards and chip boards; plastic, paint, paper, and chemical manufacturing; drop forging; heavy stamping; punch pressing; heat treating, plating, hammering, or other similar activities; large vehicle or other large equipment assembly; manufacture of metallurgical products; heavy machinery fabrication; dry bulk blending plant or handling of liquid nitrogen			x

	fertilizer and/or anhydrous ammonia, cement or block plant.			
330 Warehousing, Wholesale and Transportation				
A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time to persons and businesses.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
331	Self-service storage facilities, also known as: mini-warehouses, and rental storage units.		x	
332	Truck stops; auction house or flea market		x	
333	Warehousing, manufacture and/or storage of fireworks, petroleum products, propane, bottled gas, industrial acids or similar substances; refineries; and other bulk liquid or chemical storage. Storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; bus barns; cold storage facilities; wholesale building products; stockpiling of sand, gravel or other aggregate materials' and other similar large storage yards.			x
400 Infrastructure and Utility Uses				
410 Essential Services				
See ordinance definition.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
411	Telephone, television, and electrical lines; sanitary sewer, storm sewer and water lines; railroad right-of-way and uses related thereto; gas and oil lines but not including associated "structures" that exceed 10 sq ft in floor area and are more than 4 ft. tall. Also includes public roads and road rights-of-way.	x		
420 Public Buildings and Related Facilities				
Buildings housing governmental public service functions including publicly-owned utilities, recreation, office and storage facilities, and privately operated buildings serving the public.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N

421	Public offices, police & fire station, public works, publicly owned tourist info centers, public boat launches/marinas, and other similar compatible uses.	x		
422	Libraries, museums, culture centers; and other similar compatible uses.	x		
423	Roadside parks, public parks, public gardens, trails and trail easements.	x		
424	Cemetery.			x
430 Transportation, Utility and Public Service Installations				
A building or structure from which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
431	Light: Electrical substations, gas regulator stations; radio, television, cellular, and microwave transmitter towers or other communication towers; recycling collection centers		x	
431b	Light: satellite antennas larger than ten feet in diameter.			x
432	Heavy: Water and sewage treatment facilities; water towers; large scale artificially constructed storm water retention and detention facilities; telephone exchanges; recycling processing centers; solid waste; road maintenance and other public works garages.			x
433	Public airports.			x
434	Rail yards.			x
435	Park and Ride facility; commuter parking; parking garages; bus depots; helipad; and other similar compatible uses.		x	
437	WECS towers.		X	
500 Entertainment and Recreation				
510 Indoor Entertainment Establishments				
Fully-enclosed recreation, entertainment, or other hospitality which may also be associated with food service or accommodations.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
512	Athletic/fitness/exercise establishments; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; amusement centers and game arcades; bingo parlors; pool or billiard halls; dance halls; theaters; membership clubs; saunas, hot tubs and	x		

	similar establishments; indoor archery and shooting ranges; swimming pools/clubs; reception halls; and other similar compatible uses; private clubs			
520 Outdoor Entertainment Establishments				
Recreation and/or entertainment-oriented activities principally taking place in an outdoor setting. There may be accessory food, retail, office, service, or maintenance facilities or caretaker quarters in addition to the principal structures.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
521	Miniature golf facilities; swimming clubs, tennis clubs; amphitheaters; and batting cages.	X		
522	Fairgrounds; zoos; riding stables; amusement and water parks; theme parks; golf courses and country clubs; ski slope and ski resorts; and skateboard parks; golf driving ranges		x	
523	Outdoor archery, rifle, skeet, trap shooting ranges.			x
524	Animal racing; motorized vehicle race tracks.			x
600 Social and Institutional Uses				
610 Educational Institutions				
A facility, building or part thereof which is designed, constructed, or used for education or instruction. Educational institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
611	Governmentally or privately owned and operated elementary and secondary schools. Other institutions similar to and compatible with the above uses, including research and development establishments when associated with an educational institution.	x		
620 Religious Institutions				
A facility, building or part thereof which is designed, constructed, or used for religious activities. Associated uses may include group housing, schools, day care centers, homeless shelters, soup kitchens and other uses deemed to be consistent and compatible with religious activities.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
621	Churches, synagogues, temples, mosques.	x		

630 Social Institutions				
A facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
631	Including military schools; business, trade and vocational schools (not construction equipment or large vehicles); large art, music and dance schools; drivers' training (not large vehicles); institutions for higher education.		x	
632	Facilities to house charitable or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; auditoriums and other places for public assembly.	x		
800 Mining and Extraction Uses				
810 Mining/Extraction				
Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
811	Sand and gravel extraction processing and transport including manufacture of cement and cement products. Underground mining, processing and transport.			x
900 Agriculture and Forestry Uses				
910 Agricultural Product/Food Production				
Activities that support the production of fruits, vegetables, flowers and other natural food, fiber and non-food materials.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
911	Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981 as amended, provided operations are consistent with all applicable GAAMPS.			x
912	Community or urban gardens as a principal use on a lot		x	
913	Gardens, including yard and rooftop; greenhouse or hoophouse accessory to any use		x	

914	Livestock pasturing, grazing accessory to a residence			x
915	Riding stable or animal breeding facility accessory to a residence		x	
916	Outdoor caged livestock as pets accessory to a residential, civic, or institutional use			x
920 Agricultural Product/Food Processing and Storage				
Activities that support the processing, packaging and handling of fruits, vegetables, flowers and other natural food, fiber and non-food materials related to agriculture.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
921	Light intensity processing with accessory storage excluding outdoor storage ex. kitchen incubators, commercial kitchens, small craft bottling facilities.	x		
922	Medium intensity processing and handling, mostly interior storage and handling activities ex. food aggregation sites, small meat processing, food and beverage processing, wineries and breweries with bottling, packaging, and distribution activities.	x		
923	High intensity processing including outdoor storage and handling, ex. slaughterhouses; or primary goods storage and handling facilities characterized by large warehouses and outdoor storage yards.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
924	On-site, value-added processing facility accessory to a farm operation			x
925	Mobile processing facility		x	
926	Interior processing or storage facilities accessory to a civic, institutional or commercial use	x		
927	Interior processing or storage facilities accessory to a residential use ex. home cottage industry			x
930 Other Agricultural Product/Food Distribution				
Activities that support the distribution of fruits, vegetables, flowers and other natural food, fiber and non-food materials related to agriculture.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
931	Farmer's market or food truck as the principal use of a lot		x	

ID	Accessory uses	Mixed Use Corridor		
		P	C	N
932	Food trucks and other mobile vendors	x		
933	On-site farm stand accessory to a farm operation			x
934	On-site farm stand accessory to a residence			x
935	On-site store or café accessory to a farm operation			x
936	On-site agri-tourism ex. special event hosting, corn maze, hayrides and other events open to the public.	x		
940 Agricultural Waste Management				
Activities that involve collecting, storing, and processing compostable materials into material suitable for soil amendments.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
941	Aggregate composting operation as the principal use of a lot			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
942	On-site composting accessory to a farm operation	x		
943	On-site composting accessory to a non-residential use		x	
944	On-site farm composting accessory to a residence			x
950 Agricultural Support Establishments				
Commercial uses that support or supply farm operations and other agricultural activities.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
951	Animal Services: entirely indoor facilities. Animal hospitals or shelters, boarding kennels, veterinary services.	x		
952	Animal Services: with unenclosed, outdoor confinement. Animal hospitals or shelters, breeding/boarding kennels, veterinary services.		x	
953	Agricultural commercial sales, rental and small equipment repair establishments with limited outdoor storage ex. farm feed and small equipment sales; fertilizer, herbicide, and pesticide sales; garden centers and nurseries; farm implement sales or repair.	x		
954	High intensity aggregation sites including outdoor storage and handling, such as livestock auction yards or transport facilities; grain and seed elevators			x

ID	Accessory uses	Mixed Use Corridor		
		P	C	N
955	On-site renewable energy production accessory to a farm operation		x	
960 Forestry				
The management of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
961	Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities. Does not include the processing of wood products with other raw materials as a manufacturing operation.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
962	Sawmills, whether temporary or permanent, as an accessory use.		x	

There was significant discussion on **932 – Food Trucks and Mobile Vendors**. Sikkema indicated the issue that we have in Chocolay Township is that there is not a permitting process. The Planning Commission may want to look at making this a permitted use for the property, but then enact an ordinance that would require a permit to operate. Sikkema feels that if you want to encourage home-style restaurants, by allowing food trucks it makes it hard to compete as the food trucks have very little overhead. Sikkema feels that there needs to be some type of ordinance in regard to vending. Ventura asked if restaurants need to have a permit to operate in the Township. Throenle replied they did not need a permit to operate – this would be controlled by the County Health Department. There was a concern that food trucks are not contributing to the community through taxes. Throenle suggested that he put this item on the agenda for the June meeting to start working on an ordinance. Sikkema indicated that this would not be a Planning Commission ordinance, but a Township ordinance. It would be up to the Township Board to initiate a request to the Planning Commission to write the ordinance.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENTS

Bohjanen – indicated that the Firearm’s Ordinance that the Planning Commission

brought before the Township Board was shot down. In the Board minutes, it says that it was approved and sent for a second reading, but the ordinance had been changed to not allow any firearms in the restricted districts. The lawyer had reviewed the ordinance and re-submitted to the Board with two versions – the first was the original version from the Planning Commission and the second version excluded residential districts from the ordinance.

Ventura – none.

Smith – none.

Meister – none.

Mahaney – none.

XI. DIRECTOR’S COMMENTS

As of April 19, there is a new flood plain map. Ventura asked about changes – Throenle indicated there were no significant changes. Smith indicated that the DEQ must have some flexibility in flood plain issues.

Throenle will be attending Part IV of a group called Stronger Economies Together. This is the central UP corridor that gets together to cover a multitude of topics including Street Clusters, Recreation, Arts and Entertainment, etc. Areas included are Manistique, Escanaba, and Marquette.

The Township has received a grant award from the Marquette County Community Foundation for the Silver Creek Tennis Court project. There has also been paperwork submitted for a DNR Passport grant for this same project.

The Campground Amendment will be on the June Board agenda.

On the Firearm’s Ordinance, shotguns have been prohibited in all districts except for AF. This will be difficult to enforce on Kawbawgam Lake.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 04/05/16 Marquette City Planning Commission

B. Minutes – 04/19/16 Marquette City Planning Commission

C. Minutes – 05/04/16 Township Board draft minutes

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:14 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 20, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:03 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura, Tom Mahaney (arrived 7:12)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, and seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

May 16, 2016

Motion by Bohjanen, and seconded by Ventura to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road – would like to comment on a couple of items –on Page 2, 4th paragraph of the minutes, there was discussion regarding the “chicken issue” which stated, “...Ventura indicated that the City had come up with a “policy” basically saying that if the neighbors don’t complain, you could have up to eight chickens. ...” Ventura indicated that this is not an official policy – if the City does not get an official complaint, they do not pursue it. Maki also has a couple of complaints – Chocolay Shores Apartments has a number of junk vehicles and storage of contractor equipment. Years ago, the Zoning Board of Appeals granted them an expansion to build a building to house some of their equipment in. He feels that this is leaking into the Chocolay River. Similarly, Hudson Mechanical has a lot of outdoor storage, and seems to keep growing. Also wondered if the Holiday Gas Station is in compliance with the sign ordinance – there seems to be a lot of signage there. As a follow up on Conditional Use requirement, Maki would like to know what has been done with testing requirements that the Planning Commission put on the golf course and the junkyard on South Big Creek Road. He remembers this was to be done on an annual basis. Maki also wondered when the junkyard was approved to go from a junkyard to a full scale scrap metal business. There was also some cleanup required on Besola’s property on US 41 –

would like to know where that stands. Maki would like to get the Planning Commission's thoughts on windmills – this is not a big issue in Chocolay, but has become a big issue in Schoolcraft County and Delta County. Maki also had a question on billboards, and his understanding that the Township does not allow billboards. Maki has called CUPPAD on prohibitions that the State may have, but has not received any language on this.

Deborah Mulcahey, 633 Lakewood Lane –issues concerning Chocolay Shores – has worked with previous Zoning Administrators about the number of vehicles and types of activity going on there. This seems to be an ongoing issue. Mulcahey also questioned the amount of time that has been spent on the chicken issue, and the failure of the Board or Planning Commission to deal with the issue of short term rentals. For the past two years, all the Planning Commission has done is punted, with their plan being to wait until the City of Marquette makes some type of decision on this. Chocolay Township does not have rental code enforcement. In reviewing the Zoning Ordinance, it clearly states that “unless it states that it is okay to do something, it cannot be done”. The Zoning Ordinance is silent on short term rentals and on chickens. Prior to 2013 / 2014, Mulcahey had worked with Jennifer Thum, and there was a memo sent to the Planning Commission in 2011, which stated in part “...*According to the ordinance, anything rented for less than one month is considered a hotel or a B & B. For our meeting, I would like to discuss the situation with you...*”. Thum then addressed the definition of hotels in her memo. Before that, Thum had worked with Mike Summers (Township attorney). Mulcahey also thanked those that respond to emails and phone calls.

Public comment closed at 7:15.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Ordinance 41 Animal Control – Chicken / Poultry

Throenle indicated that he had done some background research concerning chicken ordinances in the surrounding communities – City of Marquette has an ordinance on the books prohibiting chickens and have no future plans of changing this. Negaunee Township covers chickens under their Animal Control Ordinance, and chickens are not permitted on property less than one acre. Throenle also looked at Forsyth Township, who had gone through a legal case a couple years ago concerning the Right to Farm Act, and there is no livestock or poultry in non-agricultural areas. Sands Township considers chickens as pets, and they are allowed in the Township. West Branch Township refers to chickens under “Light Agricultural Activities” and under that is permitted in those districts.

In reference to Chocolay Township, Throenle reviewed the Master Plan and survey associated with the Plan. The surveys tended to show there was no middle ground – residents were either strongly for chickens or strongly against. Throenle also reviewed the current Ordinance and found several other items that should be addressed if the Planning Commission is planning on changing the ordinance – service dogs are not included in the current ordinance, animals under “reasonable control” needs a better definition, spelling error, holidays need to be specified, and fees need to be adjusted within our fee schedule.

Throenle then offered suggestions to the Planning Commission – property size, confinement issues, maximum number of chicken / poultry based on acreage, impoundment if violation occurs, separate definitions concerning animal and poultry.

Throenle went over his recommendation on what the Planning Commission should be looking at when considering the question of poultry in districts other than AF – minimum acreage required, number permitted per determined acreage, is permit required, containment required, definition of poultry as opposed to animal, and enforcement / impoundment fees and requirements.

Mahaney stated that the suggestion on maximum number, acreage and distance are important. Mahaney researched other areas in the State of Michigan and was surprised at how many allowed chickens on one acre of land.

Sikkema stated there is not a prohibition on owning chickens in the Township, just that there are restrictions in certain areas. Sikkema stated the first discussion before the Planning Commission is to determine if the Planning Commission wants to modify the ordinance to allow for chickens in districts other than AF. He feels there is no sense in moving forward until this has been determined.

Bohjanen indicated that by looking at the survey, there seems to be more support for having rules that would enable the raising of chickens than against it. He feels a permit should be required, along with a site plan from the owner and an approval document from the neighbors. Bohjanen feels that it is worth looking at this, and that it should be presented to the Township Board to see if they are in favor of moving forward with this.

Milton questioned if it would become a Zoning Board of Appeals problem for a variance. Milton feels that the Ordinance needs to have some work done on it anyway, and would be in favor of expanding the districts where chickens are allowed.

Ventura feels that this is something that needs to be looked at. After re-reading the comments of the survey conducted a couple of years ago, most people that responded are in favor of this with constraints. He feels setback rules need to be looked at more than total acreage. There also needs to be some type of confinement mode and a limit on number, which may vary with size. Ventura is in favor of moving forward.

Smith, Meister, and Mahaney were also in favor of moving forward and taking a look

at this ordinance.

Sikkema indicated that there will need to be general guidelines that are given to Throenle as he starts putting this together. Bohjanen had recommended that something be put together that he could present to the Township Board for their input before anything is started on the re-write. The Planning Commission agreed that this was a good idea.

Some suggestions on things to be included were setbacks and distances, non-commercial use, personal consumption, limited number of chickens either by a flat number or a formula based on acreage and animal units, and permitting (Throenle felt this would become an enforcement issue – permitting pros and cons were discussed, and it was determined this will be left out at this point), containment, and enforcing / impoundment requirements and fees.

Bohjanen indicated that so far chickens had been discussed – has anybody asked about goats. This brought up a discussion on other types of animals that should be addressed in the rewrite of the ordinance. It was decided to allow for goats, rabbits, sheep, miniature ponies, and potbelly pigs. Bohjanen suggested these types of animals should be grouped into small animals.

Throenle will get this information put together, and Bohjanen will present to the Township Board.

B. Commercial Zoning District Uses

Throenle indicated that he had taken the matrix that was presented to the Planning Commission last meeting and split it into three matrixes – principal use, permitted use, and not permitted with the intent of looking at it and determining if it makes sense.

Sikkema read through the matrix.

Throenle referred to VIII.B.2.c.2 – Proposed Principle Use. Corrections were made on “*Item 936 – On-site agri-tourism ex. Special event hosting, ~~corn maze~~, hayrides, and other events open to the public.*” Delete **corn maze**. “*Item 942 – ~~On-site composting accessory to a farm operation.~~*” This Item should indicate **None**.)

VIII.B.2.c.3 – Proposed Conditional Use. Item 243 – Accessory residential home occupation – Tier 1. This item was not addressed at the last meeting. After discussion, Throenle will take a look at this and determine Tier 1 versus Tier 2, and bring back to the Planning Commission. *Item 437 – WECS towers over 35 feet in height.* It was noted that this does not address WECS under 35 feet. *Item 437 was changed to read **WECS towers and alternative energy**.* *Item 955 – On-site renewable energy production accessory to a farm operation.* This should be **None**, as farming is not allowed in this district.

VII.B.2.c.4 – Proposed Use Not Permitted. *Item 911 – Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981 as amended, provided operations*

are consistent with all applicable GAAMPS. Ventura indicated that this was suggesting that if you meet the GAAMPS, then farming was legal. *Item 911 was changed to read “Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981.” Item 961 – Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities. Does not include the process of wood products with other raw materials as a manufacturing operation.* Meister questioned if this included being able to clear a lot. Throenle indicated this referred to an on-going operation, such as Christmas tree planting and harvesting. Item 961 will stay as is.

VIII.B.2.c.1 - Full land use matrix. Maki questioned Items 211 and 212 – these are showing as permitted uses, but currently contractor yards and outdoor storage are conditional use. It was decided by the Planning Commission to **move “contractor yards” from Item 212 (permitted use) to Item 213 (conditional use)**. This will change the other matrixes.

Sikkema indicated that the matrix should go before the Township Board for their input before proceeding any farther. Throenle indicated that the full matrix would be the most appropriate for the Board. Sikkema also indicated that in the introduction it should be brought up that the major thought process in this matrix is to reinvigorate the commercial district in the Township. Ventura indicated that part of the discussion should also include whether this should be an overlay district or a zoning ordinance.

Throenle indicated that he would have this ready to go to the Board for their August meeting.

IX. PUBLIC COMMENT

Mark Maki, 370 Karen Road – commented on the agricultural zone of the zoning ordinance – what about factory farms, such as chicken and hog farms. Most communities provide language where these are only allowed on certain lot sizes. The way the ordinance is written now these would be allowed. Also commented on the survey – this was done when there was a lot of focus on agriculture and many of the surveys that were on the agricultural groups in Marquette submitted responses to them. He is not sure that the results are reliable as far as Chocolay Township residents are concerned.

Deborah Mulcahey, 633 Lakewood Lane – commented on the 2013 survey as far as the data was concerned – there were as many in favor as not in favor of chickens, ducks, sheep, etc. Mulcahey questioned the zones this would pertain to. Sikkema indicated that they were looking at all districts other than the AF district. Mulcahey wanted the Planning Commission to be aware that the people who indicated that they lived in the WFR district were opposed to the ability of people to have chickens. She asked that the Planning Commission keep this in mind when looking at this issue. Also wanted to address the proposed firearms ordinance – the ordinance does not address arrows. Mulcahey stated although it is not an explosion, it is a projectile.

X. COMMISSIONER’S COMMENTS

Bohjanen – none

Milton – none

Ventura – agrees with Mulcahey on the issue of crossbows and arrows.

Smith – none

Meister – none

Mahaney – none

Sikkema – none

XI. DIRECTOR'S COMMENTS

Throenle indicated that he is working on a way to streamline the tracking of zoning violations. Sikkema indicated that this was an important part of the job, and that he appreciated that Throenle was tackling it. Bohjanen asked if Woodward had left the matrix that she presented to the Planning Commission on a regular basis. Throenle does have this and will update for the Planning Commission.

The SET (Stronger Economies Together) conference that Throenle has been a part of is now working on corridor priority planning for the Central UP. Ventura asked if this was the Marquette, Escanaba, and Manistique consortium. Throenle indicated it was. Throenle indicated the goal of the conference was to establish economic development directives to see how they can improve the entire central corridor.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 05/03/16 Marquette City Planning Commission

B. Minutes – 05/17/16 Marquette City Planning Commission

C. Minutes – 06/01/16 Township Board draft minutes

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 8:45 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

July 18, 2016

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, July 18, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 7:00 p.m. Chairperson Andy Sikkema call the Planning Commission meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zyburt, Max Engle, Mark Maki, David Lynch, Richard Bohjanen, Judy White.

ABSENT: None

PLANNING COMMISSION.

PRESENT: Andy Sikkema, Bruce Ventura, Richard Bohjanen, Andy Smith, Kendall Milton, Eric Meister, Tom Mahaney.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Dale Throenle, Mary Sanders.

MINUTES TOWNSHIP BOARD – JULY 6, 2016 REGULAR MEETING.

Lynch moved White seconded to approve the minutes of the regular meeting of July 6, 2016 with the addition of Peter Ollilla’s address under Public Hearing.

MOTION CARRIED.

MINUTES PLANNING COMMISSION – JUNE 20, 2016.

Milton moved Ventura seconded to approve the minutes of the regular meeting of June 20, 2016 as presented.

AGENDA ADDITIONS/DELETIONS.

Engle moved Zyburt seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

None.

ZONING CHANGES FOR MIXED USE OF THE US 41 CORRIDOR AREA.

The Township Board and Planning Commission discussed the reasons for looking at mixed use zoning on the U S 41 corridor. Commissioner Sikkema explained that the reason the Planning Commission was looking at mixed use as an accessory use in that commercial district is that they want to open up more opportunities to encourage and stimulate business in Chocolay Township. The industrial use the Planning Commission is envisioning is light industrial. The US 41 corridor they are looking at is from the Welcome Center to the kennel on the corner of Ortman Road and includes the section on M-28 slightly past the Gateway Plaza and Nagelkirk’s and Cherry Creek Road to Ortman Road. The current industrial zones are the old Varvil Center area and Fraco. The Planning Commission does not intend to change that. The multi-use corridor was determined by any parcel that was 50% or more within 300 feet of the highway centerline. The Planning Commission would like Board feedback before they pursue the multi-use district.

The Board in general agreed that opening up land use with multi-use in the described commercial area is a good way to encourage business and is in favor of the Planning Commission pursuing this change. The residential area would remain the same.

Chair Sikkema indicated that food trucks are allowed as an accessory use in Chocolay Township. This seems to be a booming business and he feels that the Board may want to consider a Food Truck Ordinance.

ORDINANCE REVISIONS FOR KEEPING ANIMALS IN RESIDENTIAL DISTRICTS.

Over the past 5 years the Planning Commission has discussed the question of chickens and other farm type animals being allowed in residential zoning district. There seems to be a growing interest in this by residents. We have vast areas in Chocolay that allows farm animals, but the question is should residential areas allow this. The Planning Commission would like direction from the Township Board before continuing to look at this.

Planning Director Throenle indicated that the Animal Control Ordinance needs updating with or without adding poultry.

The majority of the Board agreed that the Planning Commission can pursue allowing poultry in nonagricultural areas in the Township and also look at the entire Animal Control Ordinance for necessary updates/changes.

MASTER PLAN PRIORITIES FOR INCLUSION IN 2017 BUDGET AND AGENDA.

Priority 1

- Asset Management Plan for Township roadways
- Begin planning for implementation of high priority Master Plan projects
- Finish incomplete proposed zoning ordinance amendments
- Monthly land use explorations in preparation for amending of the Zoning Ordinance to implement the Zoning Plan of the Master Plan, Zoning Classification, Accessory Homesteading Activities, etc.
- Necessary updates to the Lot Split, Land Division Ordinances and Sign Ordinance
- Plan for four-season transit facility

Priority 2

- Consider need to amend the Animal Control Ordinance for consistency with agricultural regulations
- Consider need to amend the Nuisance Control Ordinance in relation to permitted agricultural activities
- Further amend the Zoning Ordinance to address changes in State Legislation
- Further amend the Zoning Ordinance to implement the Zoning Plan of the Master Plan
- Reconsider approach to private road regulation
- Reconsider the *Accessory Homesteading Activities* regulations after evaluating public input

Priority 3

- Consider Firewise zoning regulations - Education

Trustee Maki had questions on sign ordinance review and billboards. Chair Sikkema answered that the changes they are looking at are state level changes on dealing with temporary signs. We can no longer

categorize political signs or realtor signs etc.; they must all come under the designation of temporary signs. The State permits billboards, and the Township allows billboards in specific areas. Trustee Maki also feels that the Land Division Ordinance needs to be cleaned up and that land divisions should go in front of a public body, not an individual such as the assessor.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – Asked the Board not to pit neighbor against neighbor with the wording of the Animal Control Ordinance. She asked if the term short term rental is defined in mixed use zoning. She suggested that when looking at the Animal Control Ordinance the Township should look to State law 287.26232 on dogs on leash. She asked that short term rentals be placed on this agenda and it was not.

Dave Mowen, 475 Lakewood Lane – Impressed by the service and hard work done by the Township Boards. He sees Lutey’s as a tremendous improvement to this community and would like the Board recognize Lutey’s for what they have done since purchasing the property.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

None.

Supervisor Walker adjourned the meeting at 8:15 p.m.

Max Engle, Clerk

Gary Walker, Supervisor

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 15, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton

Members Absent: Bruce Ventura (excused), Tom Mahaney

Staff Present: Dale Throenle (Planning Director/Zoning Administrator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, and seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

July 18, 2016 (Special Meeting)

Sikkema indicated that these minutes were not actually the Planning Commission minutes, but were a product of the joint meeting. As such, they had already been approved by the Township Board at their regular meeting on August 3rd. Unless there were changes, he asked for acceptance of the Board approved minutes.

Motion by Milton, and seconded by Bohjanen, to accept minutes of the Board as the Planning Commission minutes for July.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Ordinance 62 Animal Control

Throenle started the discussion with a recap of things that had been discussed at prior meetings, and items that needed to be addressed. Those items include: Service dogs; definition of "reasonable control"; spelling error in definition of "dog"; Holidays need to be specified; and impoundment fees. Throenle also indicated that other changes are needed to correspond to updated State and Marquette County

regulations, such as licensing.

Throenle has decided to tackle the ordinance in two phases – the first is to take the ordinance “as is” and clean up the language and the second phase would be to address the poultry issue. Throenle indicated he would like the Planning Commission to address the first phase at this time. Throenle has included in the packet the current ordinance (VII.A.2), the suggested changes (VII.A.3), and a cross-reference sheet (VII.A.4) for differences between Ordinance 41 (old ordinance) and Ordinance 62 (suggested new ordinance).

Sikkema questioned why the ordinance number had changed. Throenle indicated that because of the amount of language change and the amount of deletions and additions of sections, it was decided it was easier to give it a new number. Sikkema then suggested going page by page and making the corrections, deletions, and additions that the Planning Commission suggests.

As part of the process, updates were incorporated during the discussion, and the proposed Ordinance 62 is attached.

Throenle will forward the proposed ordinance to the Police Department for review of the new language and how it affects enforceability.

ORDINANCE 62 ANIMAL CONTROL

SECTION 1 PURPOSE

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the Charter Township of Chocoday by providing for the control, conduct and care of animals within Chocoday Township.

SECTION 2 TITLE

This Ordinance is to be known and cited as the "Charter Township of Chocoday Animal Control Ordinance".

SECTION 3 DEFINITIONS

For the purpose of this Ordinance, the following terms shall be used:

Word or Phrase	Definition
<i>Adequate care</i>	<i>Means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health</i>
<i>Animal</i>	<i>Means, but not limited to, birds, fish, reptiles, amphibians, poultry, ornamental and/or game birds, arachnids and insects possessed and/or being reared pursuant to Act 191 of the Public Acts of 1929, as amended, being Sections 317.71-317.85 of the Compiled Laws of 1948 (MSA Sections 13.1271-13. 1285); All mammals, male, female, any offspring thereof or sexually altered including dogs, cats, livestock, and poultry</i>
<i>Animal bite</i>	<i>Means a penetration of the skin caused by an animal</i>
<i>Animal Control Officer</i>	<i>Means a person or persons whose duty it is to enforce this Ordinance and the State Statutes pertaining to animal control and welfare within the boundaries of the Charter Township of Chocoday</i>
<i>Business day</i>	<i>Means days when the Township offices are open, not including Saturdays, Sundays or holidays</i>
<i>Calendar day</i>	<i>Means all days on a calendar, including Saturdays, Sundays, and holidays</i>
<i>Dispose</i>	<i>Means to donate, sell, reclaim or to destroy an animal in a humane manner</i>
<i>Dog</i>	<i>Means male, female, offspring or sexually altered animal of the canine family</i>
<i>Enclosure</i>	<i>Means a structure or fencing used to immediately restrict one or more animals to a limited amount of space</i>
<i>Holiday</i>	<i>Means a day of the year Township offices are officially closed as approved annually by the Township Board</i>
<i>Impound facility</i>	<i>Means a designated location for the purpose of holding and caring for impounded</i>

Word or Phrase	Definition
	<i>or confined animals</i>
<i>Kennel</i>	<i>Means an establishment where dogs are kept for pay for purposes of breeding, board or sale; or A premise where four or more dogs are kept</i>
<i>Law Enforcement Officer</i>	<i>Means any person employed or elected by the people of the state, or by any municipality, county, or township, whose duty it is to preserve peace or to make arrests or to enforce the law</i>
<i>Livestock</i>	<i>Means animals used for human food and fiber or animals used for service to human beings Includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, horses and rabbits</i>
<i>Non-agricultural area</i>	<i>Means any area zoned by the Charter Township of Chocolay other than the Agriculture / Forestry (AF) district as established in the Township Zoning Ordinance</i>
<i>Poultry</i>	<i>Means domesticated fowl (such as chickens, turkeys, ducks or geese) raised for meat or eggs</i>
<i>Owner</i>	<i>Means, but not be limited to, any person or persons owning premises, occupying or in the possession of any property, having proprietorship of an animal, right of property of an animal, or an authorized agent; Any person who keeps, harbors, has care of, custody of or control of an animal for a period of five or more calendar days; Any person that allows any animal to remain on his or her premises for a period of five or more calendar days.</i>
<i>Reasonable control</i>	<i>Means an animal that is leashed or kept in such a position as to be obedient to the commands of the responsible person accompanying the animal</i>
<i>Repeat offense</i>	<i>Means a second, or any subsequent, municipal civil infraction violation of the same requirement or provision of this Animal Control Ordinance committed by a person within any twenty-four month period, and for which the person admits responsibility or is determined to be responsible.</i>
<i>Run at large</i>	<i>Means an animal that is free of its enclosure and is unrestrained and is not under reasonable control Exception: A hunting dog which has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if the hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler it shall not be deemed to be a violation.</i>
<i>Service dog</i>	<i>Means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability</i>
<i>State</i>	<i>Means the State of Michigan</i>
<i>Suspected rabid animal</i>	<i>Means any animal that bites or scratches, causing penetration of the skin or An animal that exhibits apparent symptoms of rabies</i>
<i>Township</i>	<i>Means the of the Charter Township of Chocolay</i>
<i>Vicious animal</i>	<i>Means any animal in the process of threatening person or property, or any animal</i>

Word or Phrase	Definition
	that in the experience of a Law Enforcement Agency repeatedly threatens or destroys persons or property.

SECTION 4 ANIMAL CONTROL OFFICER

The qualifications, duties, and authority for the Animal Control Officer are:

(A) Qualifications

The Animal Control Officer shall:

1. Be employed by the Township and shall serve within the Police Department.
2. Meet the requirements of the Michigan Department of Agriculture for animal control.
3. Be paid a salary as established by appropriate resolution of the Township Board In lieu of all fees and other remuneration under the Statutes of the State.

(B) Duties

The Animal Control Officer shall:

1. Promptly investigate any incident involving any animal reported or seen running at large.
2. Based on the Officer's investigation, the animal may be seized, transported and impounded at the impound facility in accordance with the provisions of this Ordinance or the Statutes of the State.
3. Issue citations to any person in violation of the provisions of this Ordinance or the Statutes of the State.
4. Promptly investigate all reported animal bites and, if there is human exposure, search out and attempt to discover the animal involved, the owner of the animal, and proceed as described in Section 8 of this Ordinance.
5. Inspect kennels for the purpose of licensing and may suspend or revoke a license if the Animal Control Officer has reason to believe conditions exist which are unsanitary or inhumane to the animals.
6. Investigate complaints of any animal alleged to be dangerous to persons or property, and if such complaint is justifiable, impound the animal or take other appropriate action.
7. Investigate complaints of cruelty to animals and seize, transport and impound such animal, pursuant to Public Act 70 of 1877 as amended.

(C) Authority

The Animal Control Officer shall:

1. Be authorized and empowered to enter upon any property where animals are being kept, and, if there is probable cause to believe that this Ordinance is being violated, for the purpose of making inquiries about any animals on the property.
2. Determine if the owner of such animals has complied with the appropriate provisions of this Ordinance; if not, the owner shall be notified of the provisions of this Ordinance and allowed ten business days to comply.
3. Be deputized to enforce this Ordinance and the Statutes of the State pertaining to animals, and to make complaint to the District Court or other appropriate Court in regard to any violations.

SECTION 5 LICENSES FOR DOGS

- (A) All dogs four months old or over in the Township must be properly licensed and have proof of a current rabies vaccination, unless the dog is properly licensed under procedures established by the State of Michigan and the County of Marquette.*
- (B) Current dog licenses issued by other counties within the State of Michigan prior to residence in the Township shall be honored and valid for the remainder of the calendar year in which they were issued.*
- (C) Any dog not confined in an enclosure, or not immediately engaged in hunting, must wear a collar at all times with a current license and rabies tag attached.*
- (D) No dog shall be exempt from a rabies vaccination, unless a registered and practicing veterinarian of the State of Michigan certifies in writing that such vaccination would be detrimental to the health of the dog.*
- (E) No license or license tag issued for one dog shall be transferable to another dog. Whenever ownership or possession of any dog is permanently transferred from one person to another within the same County, the license of such dog may likewise transfer, upon written notice given by the last registered owner to the County Treasurer who shall note such transfer upon the Treasurer records. This Ordinance does not require procurement of a new license or the transfer of a license already secured where the possession of a dog is temporarily transferred for the purpose of boarding, hunting, trial or show.*

SECTION 6 KENNELS

- (A) Any person or persons who want to own, keep or operate a kennel in the Township shall apply to the County Treasurer or County-authorized agent for a kennel license.*
- (B) Any person who at any one time owns four or more dogs at a single location within the boundaries of any non-agricultural area within the Township, shall on or before June 1 of every year apply for a County kennel license.*

SECTION 7 ENCLOSURES

- (A) All animal enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to shield them from the sun and adverse weather conditions, to contain them and to keep predators out.*
- (B) All enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.*
- (C) All enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a comfortable, normal position.*
- (D) The floors of an enclosure shall be constructed so as to protect the animal's feet and legs from injury.*
- (E) Each enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the enclosure at the same time.*
- (F) If a house with a chain is used as an enclosure for an animal kept outdoors, the chain used shall be placed or attached so that it cannot become entangled with the chains of other animals or with objects. The chain shall be the type commonly used for the size of animal involved and shall be*

attached to the animal by means of a well fitted collar. The chain shall be at least three times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to the animal house.

SECTION 8 ANIMAL BITES AND PROCEDURES

- (A)** *Any animal kept as a pet that bites a person or other animal, penetrating the skin, shall be securely confined by the owner inside an appropriate building or enclosure for a period of ten calendar days. In the event the Animal Control Officer has reason to believe the stipulation of this section will not be complied with, the Animal Control Officer shall take custody of the animal and confine it at the impound facility for ten business days at the expense of the owner or agent.*
- (B)** *Any animal running loose after biting a person or other animal causing penetration of the skin, and whose owner cannot be determined, shall be confined for ten business days at the impound facility.*
- (C)** *Any wild animal that shall bite or scratch a person causing penetration of the skin shall be immediately destroyed according to State-defined suspected rabid animal procedures.*
- (D)** *Any animal, domestic or wild, which has bitten a person or other animal causing penetration of the skin that cannot be apprehended may, at the discretion of the Animal Control Officer, be immediately destroyed according to State-defined suspected rabid animal procedures.*
- (E)** *Any animal, as previously described in any of the above sections, that should die or become ill during the time of confinement will be suspected as rabid and treated according to State-defined suspected rabid animal procedures.*

SECTION 9 IMPOUND FACILITY

- (A)** *Any animal observed to be in immediate danger by a Law Enforcement Officer or Animal Control Officer may be removed from the situation by the quickest and most reasonable means available and placed in the impound facility.*
- (B)** *Any animal found running at large may be seized by a Law Enforcement Officer and if the owner of the animal cannot be located, impounded in accordance with the Statutes of the State.*
- (C)** *Upon impoundment of an animal, the Law Enforcement Officer or Animal Control Officer shall make every reasonable effort to promptly notify the owner of the animal and inform the owner of the location and how custody can be regained in accordance with the regulations of the Township and the impound facility.*
- (D)** *Any animal not redeemed within the impound period shall be disposed of in accordance with the provisions of the impoundment facility.*
- (E)** *Impound fees shall be posted at the impound facility and the fees must be paid upon redeeming the animal.*
- (F)** *Impound fees will be set annually by the Township Board and posted in the Township's Adopted Fee Schedule.*
- (G)** *Any owner after notification of impoundment, who willfully fails to redeem the impounded animal, shall be cited for cruelty by neglect of said animal under the Cruelty Statutes of the State.*

SECTION 10 KILLING AND/OR SEIZING OF ANIMALS

- (A) Any animal that enters an enclosure which is owned or leased by a person raising livestock or poultry that is unaccompanied by the owner shall be in violation of this Ordinance. The Owner or leasee of such enclosure or his or her agent may apprehend or kill such animal while it is in the enclosure without liability for killing such animal.*
- (B) It shall be lawful for any person to seize an animal running at large upon his or her property in violation of this Ordinance or the Statutes of the State of Michigan and to turn the animal over to a Law Enforcement Officer.*
- (C) In no event shall the provisions of this Ordinance exonerate a person from compliance with the criminal laws of this State, including the safe discharge of firearms.*

SECTION 11 PROHIBITION OF LIVESTOCK OR POULTRY IN NON-AGRICULTURAL AREAS

- (A) No livestock shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Chocolay Township.*
- (B) No poultry shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Chocolay Township.*

SECTION 12 VIOLATIONS

- (A) It shall be unlawful for any person or owner to allow any animal of any age, licensed or unlicensed, wearing or not wearing a collar to:
 - 1. Run at large, except working farm dogs and hunting dogs while actively engaged in the activity for which they are trained and under the direction of the owner. An animal need not be physically restrained, but must be under reasonable control of the responsible person.*
 - 2. Be within the confines of any public park that prohibits animals. A service dog accompanied by its owner shall be exempt.*
 - 3. Destroy or deface property, real or personal.*
 - 4. Soil or pollute with body waste the property of persons other than the owner.*
 - 5. Attack or bite a person.*
 - 6. Show vicious habits or harass passers-by, when such person(s) are lawfully in a public place.*
 - 7. Cause serious annoyance by loud and/or frequent noise.**
- (B) It shall be unlawful for any person to:
 - 1. Remove a collar or tag from any animal without the permission of the owner.*
 - 2. Decoy or entice any animal out of an enclosure or off the property of the owner.*
 - 3. Seize, harass or tease any animal while held or led by any person or while of the property of the owner.**

SECTION 13 ENFORCEMENT

- (A) This Ordinance shall be enforced by the Township Animal Control Officer, by the Township Police Department, or by a person or persons as the Township Board may designate.*

- (B)** *In the event of any violation of any provision of this Ordinance or the laws of the State, an Animal Control Officer or Law Enforcement Officer may take such measures as may be necessary to initiate and pursue enforcement action against such violator as a civil infraction.*
- (C)** *The Court, upon a finding of guilty, shall assess the penalties in accordance with the penalty provisions of this Ordinance.*

SECTION 14 PENALTIES

- (A)** *Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction, and upon an admission of responsibility or a finding of responsibility, shall be subject to payment of a civil fine of not less than \$50.00 or more than \$300.00, plus costs and other sanctions, for each infraction.*
- 1) *Repeat offenses shall be subject to increased fines in accordance with this section.*
 - 2) *The increased fine for a repeat offense under this section shall be as follows:*
 - a) *The fine for any offense which is a first repeat offense shall be no less than \$75.00 or more than \$300.00, plus costs and other sanctions; and,*
 - b) *The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$100.00 or more than \$300.00, plus costs and sanctions.*

SECTION 15 PRESERVATION OF CERTAIN RIGHTS

- (A)** *Nothing in this Ordinance shall be construed to prevent the owner of an animal from recovery in an action at law from any Law Enforcement Officer or any other person, except as herein provided.*
- (B)** *Nothing in this Ordinance shall be construed as limiting the Common Law liability of the owner of an animal for damages committed by said animal.*

SECTION 16 VALIDITY

Should any action, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.

SECTION 17 REPEAL

Ordinance 41 and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 18 EFFECTIVE DATE

This Ordinance shall take effect thirty calendar days from _____.

Follow Up: Throenle asked that the Planning Commission look over the above ordinance and consider if there are any other changes that need to be made at the next meeting, along with the discussion of the poultry issue.

B. Ordinance 29 and Ordinance 29A Amendment – Street Address Numbers

Throenle indicated that this came about due to a situation that happened when a police call came in, and police went to the property where there are two similar dwellings, and entered the wrong dwelling. There were no address markings on the two dwellings. Throenle indicated that there is nothing in our current address code that requires the numbering for multiple dwellings on a property.

Throenle indicated that there is also a discrepancy with the Ordinance itself, as when an amendment was made, it was referred to as Ordinance Amendment 29A, which causes confusion in determining the correct action to take. Throenle is suggesting that Ordinance 29 and Ordinance Amendment 29A be combined into new Ordinance 63.

Throenle is recommending that the Planning Commission do a review and rewrite of Ordinance 29 and 29A to combine both documents, add language to the new ordinance to require the numbering of multiple dwellings on a property, and add language to the new ordinance to require all properties within the Township be required to display a property number.

The Planning Commission then went through the Ordinance to review changes that should be made. Bohjanen indicated that in some areas the mailboxes are in groups by the side of the row, so this would not be an indication of which house they belonged to – putting a number on your mailbox will not be a good identifier.

ORDINANCE 63 ADDRESS NUMBERS

SECTION 1 PURPOSE

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the Charter Township of Chocoday by providing for street address numbers to be affixed to buildings and/or driveway entrances on properties located within Chocoday Township.

SECTION 2 TITLE

This Ordinance is to be known and cited as the "Charter Township of Chocoday Address Numbers Ordinance".

SECTION 3 DEFINITIONS

For the purpose of this Ordinance, the following terms shall be used:

Word or Phrase	Definition
Dwelling	Means any structure designed for human occupancy, either permanently or on a temporary basis
Street	Means the named or numbered way, public or private, that provides access to a structure or place of business
Street Number	Means the number assigned to premises by the Township
Owner	Means, but not be limited to, any person or persons owning premises, occupying or in the possession of any property
Occupant	Means a person, firm, corporation, or other entity occupying and in possession of a premises upon which a structure or a place of business is situated, whether or not as an owner, and shall include but not necessarily be limited to lessees, tenants, and land contract vendees
Structure	Means a permanent building on a property greater than 100 square feet Exception: Tents or units located on premises designated as a campground and hunting blinds are not considered structures.
Township	Means the of the Charter Township of Chocoday

SECTION 4 IDENTIFICATION REQUIREMENTS

All structures, dwellings and places of business shall be identified by a street number assigned to the premises by the Township, and the number assigned to the premises shall be displayed in the following manner:

- (A) The street number shall, at a minimum, be affixed to a structure or place of business in numbers not less than three and one-half (3 1/2) inches in height. The number must be clearly visible and legible from the street.

- (B)** *If the street number is not clearly visible from the street when affixed to a structure or place of business in accordance with subsection A, then the street number shall be displayed in numbers not less than three and one-half (3 1/2) inches in height which shall be affixed to a sign or mailbox placed adjacent to the driveway or road entrance to the structure or place of business. The sign or mailbox shall be constructed of durable material and shall be mounted not less than four feet above ground level.*
- (C)** *Multiple dwellings or places of business on a property shall be identified with a sequential pattern of letters, numbers, or combination of letters and numbers to facilitate identification of the individual structure or place of business on the premises in the event of an emergency.*
- (D)** *Private roads or drives that provide access to multiple structures, dwellings and places of business must have numbers at the entrance from a public road and have numbers at any branches on the private road that separate the structures, dwellings and places of business.*

SECTION 5 CONFLICTS IN NUMBERING

The Township shall have the authority to change any existing numbers or numbering systems to resolve conflicts or confusion which may exist now or in the future.

SECTION 6 ENFORCEMENT

Any owner or occupant who, after receipt of a notice pursuant to Section 4 of this Ordinance, fails to display street numbers in accordance with the provisions of Section 4 within the time limits specified in the notice, shall be responsible for a civil infraction, and, upon a finding of responsibility, shall be punishable by a fine of not more than Twenty-five Dollars (\$25.00) plus Court costs for each offense.

Each and every day during which such violation continues or is permitted to continue shall constitute a separate offense, and shall be punishable as such.

Any violation of this Ordinance is hereby declared to be a public nuisance per se, and, in addition to the penalties specified herein for such violations, the Township may seek to enforce compliance with the terms and provisions of this Ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulations, or civil or criminal law.

SECTION 7 REPEAL

Ordinance 29, amendment 29A, and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8 VALIDITY

Should any action, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.

SECTION 9 EFFECTIVE DATE

This Ordinance shall take effect thirty calendar days from _____.

Throenle will forward the proposed ordinance to the Police Department and Fire

Department for review of the new language and how it affects enforceability.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District uses

Throenle indicated that there was nothing in the packet for this, as prior to the packets being published he had conversations with the Marquette Township Planner and the Chocolay Township Manager. The Marquette Township Planner will be providing the language that they are using in Marquette Township – this will simplify the process for Chocolay. Throenle also needs to find out from the County if there is a requirement for sprinkler systems for new businesses that may end up in the corridor, and if so, then there is a water requirement that needs to be addressed.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Meister – none

Smith – asked about the AT&T tower at Silver Creek – how long is the lease period? Throenle replied he thought it was indefinite. Smith indicated he thought it was going to be up on the hill, but ended up in a flat piece of property that had potential for other development. Throenle indicated that the tower was pushed back as far as possible, to be able to develop the Rec Area.

Milton – questioned if there will be a brush drop off. Throenle indicated he will ask DPW and get the answer for next meeting.

Bohjanen – he is happy for the Township that the Bayou property was able to be purchased. Throenle indicated that the UP Land Conservancy orchestrated the purchase. The Township does not own it.

Sikkema – none

XI. DIRECTOR'S COMMENTS

Throenle indicated that he will be attending a meeting on Wednesday (August 17) to discuss the Silver Creek Recreation Area – traffic flow and safety issues.

Throenle will be digging more into the sign ordinance. There will also be more discussion on billboards.

Sometime in the future, the scrap yard on Big Creek is now closed and there will need to be discussion on what will happen with that property.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 07/05/16 Marquette City Planning Commission

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:37 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 19, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Andy Smith (Vice Chair), Eric Meister (Secretary), Tom Mahaney

Staff Present: Suzanne Sundell (Administrative Assistant), Dale Throenle (Planning Director/Zoning Administrator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, and seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. MINUTES

August 15, 2016

Motion by Bohjanen, and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – On the issue of a separate position for the Zoning Administrator – why not keep Zoning in-house, and look at using CUPPAD for Planning. The next issue was the survey that had been done with the postcards – this required the resident deciding what district they were in. The results of the survey were flawed, and Mulcahey would ask that the Planning Commission note that the WFR district did not support poultry. The issue with this was due to private wells and septic systems, and there is always the on-going issue of enforcement. Mulcahey is confused on the animal control in relation to dogs. The Ordinance indicated that Animal Control would be checking for kennels. Would there be a separate person doing animal control? In Section 12 Violations, Mulcahey questioned the statement “...need not be physically restrained, but must be under reasonable control...” What is the definition of reasonable control? Also, there were exceptions to hunting dogs - need to keep in mind that hunting dogs are not always perfect. The definition of “Owner” states a time period of 5 days – not quite sure what this means. Mulcahey was bothered by Section 4(B)7, which states that the officer would “Have discretion to refrain from making a determination that an animal is a potentially dangerous animal ...” She feels that basically all animals are dangerous. In Section 4(C)2 it states that if there is non-compliance, the owner shall be notified of the provision of this Ordinance and allowed ten business days to comply. She

feels that the Planning Commission should look at this closely. In Section 11, Poultry, as far as personal use goes, is not commercial. This would seem to mean no selling, but what about bartering or giving away. Ordinance 63 – be mindful that not everyone has a mailbox and that some may not be able to comply with the marking on both sides, as there are sometimes rows of mailboxes. If the Planning Commission is really concerned, they may want to take a look at the green vertical signs on properties – may want to make this an option for people.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Ordinance 62 - Animal Control

Throenle presented the revised document that was discussed at last month’s meeting. The first discussion will address the language changes and changes that are recommended by the Police Department, and then the issue of poultry will be addressed. The document being reviewed is VIII.A.1.7 of the packet.

Definitions:

Livestock	Means animals used for human food and fiber or animals used for service to human beings Includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, horses and rabbits
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Throenle questioned the inclusion of rabbits in livestock, as they do not fall into the same category as cattle or horses. Sikkema indicated that he feels that raising rabbits would fall under the category of livestock, not pets. It was decided that rabbits will stay in the category of livestock.

Owner	Means, but not be limited to, any person or persons owning premises, occupying or in the possession of any property, having proprietorship of an animal, right of property of an animal, or an authorized agent; Any person who keeps, harbors, has care of, custody of or control of an animal for a period of five or more calendar days; Any person that allows any animal to remain on his or her premises for a period of five or more calendar days.
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Throenle questioned if “five or more calendar days” is an accurate measurement. Sikkema felt that this may be referring to visiting animals (pet sitting, guests with

animals). This would refer to the owner of the property, not the owner of the dogs. The wording will stay as is.

Section 4(A)2:

Removed “*Meet the requirements of the Michigan Department of Agriculture for animal control.*” and renumbered the remaining points.

Police comment reflected there was no special training required.

Section 4(B)5:

Removed “*Inspect kennels for licensing and may suspend or revoke a license if the Animal Control Officer has reason to believe conditions exist which are unsanitary or inhumane to the animals.*” and renumbered the remaining points.

Police comment was that the Health Department does the inspecting and licensing.

Section 4(B)7:

Added “~~Have discretion to refrain from making a~~ **Shall make a determination that an animal is a potentially dangerous animal if the officer determines that the animal’s behavior was not the result of the victim abusing or tormenting the animal, was directed toward a trespasser or person committing or attempting to commit a crime, involved was not the result of accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.**”

Ventura indicated that there were some difficulties with this whole paragraph – the Police officer is coming on the scene after the fact and would not have witnessed the incident. He doesn’t feel there should be discretion in an ordinance. Sikkema asked if this was written internally – Throenle indicated that he found this in several other ordinances that he was researching. Discussion ensued with the pros and cons of the word “discretion”. Ventura suggested there be a change of wording.

Section 6(B):

~~Any person~~ **Any owner** who at any one time owns **or harbors** four or more dogs at a single location within the boundaries of a non-agricultural area within the Township **shall apply for a County kennel license on or before June 1 of every year have a valid County kennel license posted on the premises.**

Throenle indicated that this was a rewording of the original. After discussion, wording was changed as reflected above.

Section 8(A):

Any animal kept as a pet that bites **or scratches** a person or other animal, penetrating the skin, shall be securely confined by the owner **away from other animals** inside an appropriate building or enclosure for a period of ten calendar days. **The owner shall immediately report any unusual behavior or appearance change during the ten**

calendar day period to the Animal Control Officer. In the event the Animal Control Officer has reason to **believe the owner will not comply with this section**, the Animal Control Officer shall take custody of the animal and confine it at the impound facility for ten business days at the expense of the **owner**.

Bolded wording added as comment by Police department. Changed to add the phrase “or scratches”.

Section 9(G):

Any owner **who willfully fails to redeem the impounded animal after notification of impoundment** shall be cited for cruelty by neglect of said animal under the Cruelty Statutes of the State.

Throenle indicated he had changed the language to make it a little easier to read. No other changes were made.

Section 10(B):

The Animal Control Officer may, at his or her discretion, shoot a dog running at large if it is determined the dog is chasing or harassing deer.

After discussion, the Planning Commission decided to delete this.

Section 12(B)3:

Seize, harass or tease any animal while held or led by any person or while ~~of~~ **on** the property of the owner.

Ventura indicated there was a typographical error on this – changed “of” to “on”.

Section 14(B & C):

None of the language has changed – only the numbering.

Section 11 Livestock or Poultry in Non-Agricultural Areas

- A. No livestock **or poultry, except chickens**, shall be owned, kept, possessed, harbored or kept charge of within the boundaries of a non-agricultural area within Chocolay Township.
- B. The keeping of **chickens** ~~poultry (such as chickens, turkeys, ducks, or geese)~~ in non-agriculture districts shall be subject to the following requirements:
 1. A ~~poultry~~ **chicken** permit is required prior to ~~poultry~~ **chickens** being permitted on the premises.
 2. ~~Poultry~~ **Chicken** owner(s) may not keep more than ~~three~~ **six** ~~poultry~~ **chicken** hens on the premises at any one time. Hens are for personal use only and not for any business or commercial use.
 3. ~~Poultry use is restricted to personal use;~~ **No** selling of ~~poultry~~ **chickens** or eggs is permitted.
 4. Roosters are prohibited.
 5. ~~Slaughtering of any poultry on the premises is prohibited.~~

6. Poultry **Chickens** shall not be kept in any location on the property other than in the backyard. **(Exception: Waterfront residential can be either in the front yard or backyard if screened from public view.)**
7. Poultry ~~hens~~ **Chickens** shall be maintained in a fully enclosed structure or a fenced enclosure and shall be kept in the enclosed structure or fenced enclosure at all times. Fenced enclosures and structures are subject to all fence and structure provisions and restrictions in the Township Zoning Ordinance.
8. Poultry **Chicken** structures, or the portions of other structures used to house or provide shelter for small animals, shall not exceed two hundred square feet of ground floor area nor exceed ~~twelve~~ **ten** feet in height. ~~Maximum ground floor areas for poultry set forth above may be increased by fifty percent for each acre in addition to the minimum lot size for the zoning district.~~
9. ~~No~~ **An** enclosed structure shall ~~be located within any setback area~~ **follow all zoning setback requirements for the zoning district.**
10. An enclosed structure or fenced enclosure shall not be located closer than thirty feet to any ~~occupied~~ residence on an adjacent property.
11. All structures and enclosures for the keeping of poultry **chickens** shall be constructed and maintained so as to prevent rats, mice, or other rodents or vermin from living underneath or within the walls of the structure or enclosure.
12. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
13. All poultry **chickens** shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.

Throenle indicated that he had looked at several different models to come up with Section 11. Ventura questioned (B)5 on the slaughtering of chickens. He indicated that most people who are raising small amounts of chickens are doing so for the eggs and the meat. The Planning Commission decided to remove (B)5 from the proposed language. After discussion, it was decided to change the wording of "poultry" to "chicken". There was also discussion on the number of chickens that should be allowed – changed from three to six. There was also some discussion on how location of chickens should be done on Lakewood Lane – front or back, it would need to be obscured from public view.

Bohjanen moved, and Ventura seconded that the draft of Ordinance 62, as amended, be submitted for Public Hearing for the next meeting, and publish the necessary notices.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

B. Ordinance 63 - Street Address Numbers

Throenle indicated that the only change recommended by the Fire Department is in Section 4(C) **"On roads that provide access for two-way traffic, numbers on a**

mailbox must be placed on both sides of the mailbox to enable emergency response vehicles to see the numbers from either direction.” This may not always be possible to put numbers on both sides, as some people put up snowboards to protect their mailboxes, so the numbers would need to be on the snowboards.

(A) ~~The **street address** number shall, at a minimum, be affixed to a structure or place of business in numbers not less than three and one-half (3 ½) inches in height. The number must be clearly visible and legible from the street.~~

(B) ~~“If the **street address** number is not clearly visible from the street when affixed to a structure or place of business in accordance with subsection A, then the street number shall be displayed in numbers not less than three and one-half (3 ½) inches in height which shall be affixed to a sign or mailbox placed adjacent to the driveway or road entrance to the structure or place of business, **and is visible from both directions of travel.** The sign or mailbox shall be constructed of durable material and shall be mounted not less than four feet above ground level.”~~

The Planning Commission suggested removal of Section of 4(C).

There was a question on the requirement of affixing the street number to a structure or place of business. It was determined it needs to be in the ordinance for emergency purposes.

Section 3 Definitions:

Street Address Number	Means the number assigned to the premises by the Township
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Ventura moved, and Milton seconded that the draft of Ordinance 63, as amended, be submitted for Public Hearing for the next meeting, and publish the necessary notices.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – felt that Section 4(B)7 should be go to our attorney for legal opinion. Mulcahey also felt that people should be encouraged to put up the vertical signs with fire numbers, which are more visible.

X. COMMISSIONER’S COMMENTS

Bohjanen – none

Milton – none

Ventura – none

Sikkema – brought up the issue of vacation rentals. He had been in a small community over the weekend where there was one person that was buying up available property

and converting them into vacation rentals. Sikkema did not know what their ordinance was like. Our ordinance cannot be enforced, but we are not addressing the issue. He feels this is a disservice to the Township residents. If nothing else, we should at least clean up the ordinance. The other issue he has is commercial dumpsters. He wondered if this should also be addressed by the Planning Commission on what is allowed. He feels we should try to keep our community looking nice. Bohjanen stated that about a year ago he drove the Township and looked for instances of blight, and didn't find that many. Sikkema feels that these may be issues the Planning Commission should be looking at.

XI. DIRECTOR'S COMMENTS

Throenle indicated that he would like some direction on a matter. There is an individual in the AF district that has a short term rental. If he pursues this individual for not having a Conditional Use permit, he feels that he is doing selective enforcement. He would like to put short term rentals on a future agenda for the Planning Commission.

Throenle also indicated that in a recent MTA publication, there were two articles he would like to point out. The first one is State legislation dealing with Medical Marijuana law, which states the Townships have the option not to permit Medical Marijuana business within the confines of the Township, unless it is in the Ordinance. The second one is legislation on chickens that would supersede what the townships have on the books.

Throenle indicated that he would like to propose in addition to the Public Hearings next meeting, he would like to get back to the overlay districts, and possibly the Sign Ordinance. Sikkema suggested just adding the Sign Ordinance on for the next meeting, along with the Public Hearings.

Throenle indicated that he has done several hundred observations this year – the difficulty in going to a particular property is that on any given day it may be clean. He feels that Zoning is enforcement by sight – he is not able to go on the property without permission, so he is restricted on the taking of pictures.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 08/09/16 Marquette City Planning Commission
- B. Minutes – 08/16/16 Marquette City Planning Commission
- C. Minutes – 09/07/16 Township Board minutes draft

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:28 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 17, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney

Staff Present: Dale Throenle (Planning Director/Zoning Administrator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Sikkema requested an item to be added to the agenda to discuss short term rentals. Item added would be VII.E.

Motion by Ventura, and seconded by Meister, to approve the agenda as amended.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

September 19, 2016

Motion by Milton, and seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

William Todd, 1075 Ortman Road – requested to speak in relation to item VII.D. He was deferred until that item on the agenda.

Jim Dunn, 3210 M-28 – looked for clarification on zoning for his three parcels. When he purchased the properties he was told they were residential, and residential only. He did not receive notification that his property had been changed to agricultural (AF) in 2008. He sought clarification from the Planning Commission as to how he can develop his property.

He also spoke in relation to short term rentals. He bought his property with the intent of not having short term rentals next to his property. He again asked for clarification from the Planning Commission on the direction to take on this subject.

Dick Arnold, 312 West Branch -- brought up the number of acres of agriculture property in the Township. He expressed concern on how development can occur on agriculture property – size of accessory buildings and number of buildings on the smaller agriculture lots. He asked that the Planning Commission to lower the square footage permitted on a property. He was also concerned with the requirement that if a building was built 60 feet from the lot line, the height of the building could be 60 feet. This would be unacceptable on smaller agriculture acreage.

He requested that additional surveys of the Township residents be considered in order to get more information on what the residents of the Township want. He expressed concern that if the citizens are not heard, then the Planning Commission determines direction. He also noted that the citizens of the Township do not participate in the process as they should.

He expressed concern about the signage on the highways throughout the Township. He described the passing lanes and the inconsistency along the highway. He also addressed the cross-hatched area heading north on US 41 at the intersection of M-28. The public is not paying attention to the cross-hatched area, and are using it as a right turn lane. This should be addressed to the Road Commission.

Deborah Mulcahey, 633 Lakewood Lane – asked the Planning Commission to look at priorities and how they are established. She expressed concern that the priorities have changed, and that priorities have changed based on a small minority of people within the Township.

Throenle added that Mr. Dunn’s properties are each 1/2 acre in size.

V. PUBLIC HEARINGS

Public hearings were deferred to agenda items VII.A and VII.B, respectively.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Ordinance 62 – Animal Control

Throenle introduced the ordinance to the Commission for consideration, and requested that the public hearing be opened for ordinance consideration.

Public Hearing

Deborah Mulcahey, 633 Lakewood Lane – stated she provided written comment along with her husband. Both are opposed to allowing chickens everywhere throughout the Township. She indicated 60 percent of the properties in the Township now allow for chickens. She indicated that if this passed, there would be nowhere in the Township that residents could live chicken-free. She stated that a majority of the residents in the Lakewood Lane area and the waterfront district said no to chickens in the 2013 community survey. She requested a review of this information to point out that some areas of the Township are opposed to having chickens in their districts.

Laurie Krzymowski, 741 Lakewood Lane – stated she is anti-chicken in residential areas. She expressed that she was, at one time, diagnosed with a spot on her lungs from residue found in the chicken coop that she played in as a child, even though the coop was cleaned and painted after the chickens were removed.

She also referred to a Center of Disease Control (CDC) report that was recently released that indicated an increase in salmonella in relation to chickens. She expressed

that we should limit our exposure for the quality of water, quality of health, and not increase the amount of salmonella in the community. She stated the information she referred to could be found on cdc.gov.

Commission Discussion

Bohjanen opened the discussion with a look at section 6.B on page four of the proposed ordinance. He asked that if you are in the AF district are you not required to have a kennel license. Sikkema replied that the license is still required, and Throenle confirmed.

Discussion followed concerning the verbiage of 6.B, and the item was modified to read: "Any owner who at any one time owns or harbors four or more dogs at a single location within the Township shall have a valid County kennel license posted on the premises."

Bohjanen addressed Section 8.A and Section 10.A as duplicated sections. Sikkema responded that they were in each section for a good reason; he asked Bohjanen which section would be most appropriate for the text to be retained. Discussion continued, with Ventura suggesting that sections 8, 9, and 10 be combined into one section. Sikkema responded that each section had a different function, with a suggestion to remove section 10.A and renumber 10.B to 10.A, and renumber 10.C to 10.B. Commissioners agreed.

Bohjanen requested a grammatical change in section 11.B.9. He requested that the phrase "closer than thirty feet to any residence" be changed to read "closer than thirty feet from any residence." Commissioners agreed.

Ventura asked Throenle if the penalties in Section 14 should be in the Township schedule of fees or if it should be in the ordinance. Throenle indicated it could be in either place. The difference would be the fee schedule would be part of the annual budget, where the ordinance language would have to be changed via public hearing, Planning Commission approval, and Township board approval. Throenle indicated the reason for the fee range in the ordinance is to provide a range for civil court consideration. He was unsure as to if the fee schedule could contain a range. No change in the document was requested.

Smith raised a question concerning puppies. If more than four pups were at a residence, would a kennel license be required? Throenle responded that he would interpret the ordinance to require the license if the pup was kept longer than four months. Discussion continued to determine if a change should be made to address the issue.

Ventura asked for a clarification on the licensing of dogs. Discussion followed as to what was considered a properly licensed dog. Throenle indicated the reason for item 5.B was to allow for new residents in the County to bring in their dogs without concern for relicensing until the calendar year expired.

Meister suggested changing item 5.B to read "current dog licenses issued by other jurisdictions". Commissioners agreed.

Ventura suggested making the sentence part of 5.A. Commissioners agreed, and

requested the renumbering 5.C to 5.B, 5.D to 5.C, and 5.E to 5.D.

Bohjanen mentioned that the Commission hears limited opinions during public comment. He stated that he did not know the statistics concerning chickens, especially since the only comments presented were from those that did not want chickens. He addressed the salmonella comments presented during the public hearing, and indicated he would want to defer the decision on the ordinance until he had time to read the latest CDC information. Ventura stated that salmonella is also prevalent in the wild bird population, especially finches at bird feeders.

Sikkema requested additional comments from the Commissioners; there were none. Bohjanen made a suggestion to defer the motion until he had time to review the CDC information. Sikkema asked if the item could be tabled. Throenle stated if the ordinance was tabled, then a new public hearing would not be necessary as it would be an extension of the process.

Discussion followed concerning the next direction for the ordinance.

Throenle asked if sending a link to the CDC information via email would be sufficient. Sikkema indicated that it would.

Bohjanen moved, and Ventura seconded the ordinance be tabled until the next meeting to allow time to review the latest CDC information.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Throenle asked for a motion to clarify which ordinance language would be brought before the Commission at the next meeting.

Meister moved, and Ventura seconded the ordinance language that will be presented at the next meeting will contain the changes already suggested.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Ordinance 63 – Address Numbers

Throenle introduced the ordinance to the Commission for consideration, and requested that the public hearing be opened.

Public Hearing

No public hearing.

Commission Discussion

Sikkema brought up the size of the numbers on the mailboxes and signs. He suggested that the size be changed to two inches for the mailboxes and road-located signs. He suggested the language in Section 4.B be changed to “shall be displayed in numbers not less than two (2) inches ...”. Discussion followed, and Commissioners approved the change.

Ventura moved, and Bohjanen seconded that after holding a public hearing and considering public input, the Planning Commission recommends that the Township

Board approve the draft version of Ordinance # 63 Address Numbers as changed for the following reasons:

- 1) To require that multiple dwellings or places of business on a property be identified for emergency response purposes;
- 2) To require address numbers to be visible from both directions of travel;
- 3) To make editing changes to the ordinance text;
- 4) To repeal Ordinances # 29 and # 29A and replace them with Ordinance # 63.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Zoning Ordinance – Section 18.1 Signs

Throenle stated that the purpose of this item was to inform the Planning Commission that discrepancies were found in the sign ordinance that were in contrast to the Supreme Court findings in the case of *Reed et al v. Town of Gilbert, Arizona, et al*. He said the purpose of bringing this to the Commission was to address language in the ordinance that looked at signs and sign enforcement based on the content on the signs. Current language in the ordinance looks at signs based on content: political, real estate, etc.

Ventura commented, and Meister agreed, that the only portions of the ordinance to look at should be the language that pertains to content. They did not want to look at the remainder of the ordinance, as a lot of time had been invested in writing that section of the ordinance.

Sikkema stated that Throenle should look at the MDOT specifications for signs for guidance, especially to see how MDOT is addressing the sign issue based on the Court decision. He also asked Throenle to look at the MDOT definitions (for items such as off-premise and on premise) to see if the definitions in the Township ordinance align with what MDOT has.

Throenle stated his understanding of direction. He understood his direction should be to match up with MDOT, and to look at the content-based language in the ordinance.

Sikkema suggested the Township manager bring the topic to the corridor meeting discussion.

Throenle will look at other townships, especially Marquette Township, to see how other entities are addressing the issue.

D. Acreage By Zoning District

Throenle stated that in researching an issue for zoning, he did a study of the parcel acreages based on the zoning district in which the parcel was located. He found that there were size discrepancies in every district, and those size differences were causing issues for the use of the properties within those districts. He referred to Dick Arnold's public comments as being an example of the issues within the district. He referred to the acreage breakdown attachment within the packet for the Commissioners to review.

He pointed out that the residential parcel sizes were the ones that triggered the discussion. The size ranges are from less than 1/2 acre to more than 10 acres, and 80

parcels in the R-1 district are greater than 10 acres.

Throenle stated that in 2008 the zoning districts were changed, and impacted all districts, especially in the AF district. The RR-2 parcels were incorporated into the AF district, which requires a minimum of 20 acres for development. If, however, the parcel meets the minimum setbacks for the district, multiple buildings can be placed on the lot, which presents an issue with acreage and district development.

Throenle indicated that one parcel is up for sale in the R-1 district that has a large acreage that the owner is having a difficult time selling because buyers are looking to put horses on that parcel.

Throenle asked for direction on this. He asked if the ordinance need to reflect changes that accommodate the larger parcels within a district.

Deferred public comment was taken at this time.

William Todd, 1075 Ortman Road, spoke concerning his two properties on Ortman Road, and the difficulty he was having in selling those properties. Under the R-1 designation, property owners cannot have horses on the larger acreage.

Deborah Mulcahey, 633 Lakewood Lane – stated to the Commissioners that they should not be surprised that this acreage issue is occurring within the Township. This contributes to the uniqueness of the Township. She said to take a look at the issues that have occurred as a result of the 2008 ordinance, but spot zoning, which is illegal, should not be a solution to the problem.

Jim Dunn, 3210 M-28 – indicated that he did not receive any notification that his property had been changed to agricultural (AF) in 2008. He is not able to resolve his issue with his properties because of this.

Meister asked Throenle if structures could be put on those parcels if they were not already built. Throenle stressed that he is not going to pursue spot zoning on any of the parcels within the Township. He stated that the parcels in question that do not conform are known as lots of record if they were recorded prior to 2008. He said that as long as the setbacks for the district were met for those parcels, you could build on the parcels; otherwise, it is considered a “dead” parcel in that district. Meister asked if Mr. Dunn could build on his property. Throenle responded he could, as long as he was able to meet the setbacks. Throenle pointed out that the parcels were small, which meant that building on those parcels may be difficult because of the 30 foot setbacks around the property and the minimum size requirement for the residence meets the 800 square foot minimum.

Mark Maki, 370 Karen Road – told Mr. Dunn that he could apply for a variance for his property based on the restrictions related to those properties.

Laurie Krzymowski, 741 Lakewood Lane – suggested that Throenle look at form-based code to address the situation within the Township. She indicated that it would be a tremendous amount of work to make it happen, but it would be an option to look at to

correct the situation.

Commissioner discussion took place at this point. Smith pointed out that Dick Arnold has been talking about this issue for a long time. Smith also pointed out that the properties could be a problem in that they could take on the characteristics of the district without being able to sustain those characteristics. He provided an example of building on AF properties that were never really supposed to be AF in character. Meister indicated that his property was originally RR-2, and he was able to raise chickens on that property 20 years ago.

Meister asked how many lots that were affected, and if they could be handled through variances. Sikkema asked how many of the lots affected were built on. Throenle responded he did not know, but could find that information for the next meeting.

Sikkema suggested that the multi-use district was the original priority, and this issue should be addressed in the future.

Ventura shared that the form based code resolution might be an overlay to apply solutions for the additional permitted uses for those non-conforming parcels. He also pointed out to Throenle that the acreage numbers on the attachment did not calculate correctly. Throenle said he would fix that column of number for the next meeting.

Sikkema asked for direction for Throenle to pursue. Some discussion ensued concerning form-based code.

Bohjanen suggested that the districts be broken down to an example of R-1A, R-1B, R-1C, etc. He took exception to the fact that correcting the problem would be considered spot-zoning.

Sikkema asked the Commissioners for direction. He stated it is on the priority list, and asked if the issue should be addressed after the multi-use district was addressed. Commissioners agreed it should be addressed, but wanted to limit the districts to R-1 and AF. Ventura wanted to look at the issue holistically, and address the problem from different vantage points. Throenle suggested a compromise of looking at R-1 and AF. Bohjanen pointed out that the legal notices were posted, even though the individual property owners were not notified. Smith indicated that the County had changed the process so that property owners had to be notified. Additional discussion took place concerning the notification process.

Throenle again addressed the issues with parcel owners not being able to sell, and potential buyers not being able to buy properties based on zoning classification. Smith pointed out that the RR-2 properties were not intended to ever permit the AF scenarios of large number of animals or large number of buildings. Instead, the parcels were intended more for larger residential use. He went on to say the Commission should address the business overlay district first, and then address the AF district as the next item. Other Commissioners agreed.

E. Short Term Rentals

Sikkema introduced the topic by talking about the correspondence that was received and the comments made by the public during the public comment related to the issue. He asked the Commissioners if they wanted to move the item to the priority list. He asked them to consider one of three options: 1) no action, 2) put the item on the priority list, or 3) ask the Board again for direction on the issue.

Bohjanen felt that short term rentals should be put in as conditional use in all zoning districts and have rules for it.

Meister stated that the Commission already had two priorities – the corridor and the AF district discussion. He suggested that it be discussed in January when the Commission discusses the priorities for the year to see where it falls on the priority list.

Ventura pointed out that the issue needs to be as addressed, since it is becoming a growing business question.

Sikkema polled the Commissioners, and they agreed to follow Meister's suggestion. He also reminded the Commissioners to make sure that follow up is completed to ensure the topic is discussed in January.

Smith asked what came up on the survey concerning the short term rental question, as he believes that should be considered when establishing priorities for the year. Throenle stated the question was pulled off the latest survey that went out to Township residents last year. Sikkema asked if more information should be gathered via a survey.

Bohjanen pointed out that in the town hall meeting last year that only two residents spoke on the issue: one was for, and one was against.

Meister said yes, if the Board authorizes the expense for the survey. He said he would like to see if opinions had changed on the subject.

Sikkema asked if the Commissioners would like to be involved in the wording of the questions after staff drafted the questions that would be sent out; Commissioners responded yes.

Throenle stated he would bring to the next meeting or the December meeting the questions for consideration and the costs associated with sending out a survey mailing, as well as the processes and costs associated with analyzing that data.

Bohjanen asked if the survey could be included in the next routine mailing. Throenle stated that the mailing would not be sent out until March. Sikkema followed up with the comment that the priority had to be established first before the survey could be sent out, so the timing might be right to get the question sent out.

Ventura expressed that when looking at the survey data, the Commissioners must also take into the consideration the minority public opinion when considering the issue, and to keep an open mind during the discussion.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane –asked the Commission why bother with another survey as the major area affected would be the waterfront district properties. She stated the survey data gathered in 2013 indicated the residents in the waterfront district did not want short term rentals.

She indicated that the issue has been up for consideration since 2011, and it has not been addressed. She claimed the residential district is being heavily impacted by the issue.

She indicated that it was embarrassing that the issue has not been addressed.

Laurie Krzymowski, 741 Lakewood Lane – stated that there is a short term rental two doors down from her property. Vacationers kept her husband awake until 3:00 am. She pointed out that there are a lot of surgeons, pathologists, and radiologists that live on Lakewood Lane. She asked the Commissioners, by show of hands, if they wanted those professionals to be making a life-changing decision after a lack of sleep. She indicated that renters have also disturbed bedtime for her children.

William Todd, 1075 Ortman Road – asked if there was anything he could do short-term to get his property rezoned to enable him to sell his property. Throenle pointed out there is a small parcel within his property that houses the kennel that is zoned AF, which generates questions as to how to zone the property. Sikkema indicated that he should speak with Throenle to discuss the possibilities of how to approach the rezoning question.

X. COMMISSIONER’S COMMENTS

Bohjanen – indicated he will not be on the Planning Commission after November.

Milton – no comments

Ventura – no comments

Smith – no comments

Meister – no comments

Sikkema – told the Commissioners he was resigning after the December meeting.

DIRECTOR’S COMMENTS

Throenle stated everything he had for consideration was covered during the meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 08/09/16 Marquette City Planning Commission

B. Minutes – 08/16/16 Marquette City Planning Commission

C. Minutes – 09/07/16 Township Board minutes draft

XII. ADJOURNMENT

Sikkema adjourned the meeting at 9:28 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 21, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Tom Mahaney, Kendell Milton (arrived at 7:05 PM)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, and seconded by Mahaney, to approve the agenda as written.

At this time, Bohjanen indicated that he has now taken on his role as Township Supervisor, and his term as Board appointee for the Planning Commission had ended, so he would be abstaining from voting.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

October 17, 2016

Motion by Ventura, and seconded by Meister, to approve the minutes as corrected. (Page 2 of 10, V. Public Hearings, "differed" should be "deferred".) Ventura commented that the minutes were very well written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Proposed 2017 Meeting Dates

Sikkema indicated that he had received one phone call on this item, and the request was to not make the meetings too early, in order to allow for the public to attend. There was discussion among the Planning Commission on meeting time. Throenle also stated that if the Township Board would decide to change their meeting date, it may become necessary to choose a different day.

Mahaney moved, and Smith seconded the dates for the 2017 Planning Commission meetings be approved as written. The starting time for the 2017 meetings will be 7:00 PM EST.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Ordinance 62 – Animal Control

Throenle introduced the ordinance by referring to the Public Comment that was received and is “XI.D Correspondence – Place” in the Commissioner’s packets. The public comment was asking the Commission for consideration of initiating a leash law in Chocolay Township. Throenle indicated that the changes discussed at the last meeting have been incorporated into the ordinance under VIII.A, and the document is currently up to date with those changes. Throenle also pointed out that there were a couple errors in last month’s discussion – the first being the discussion on Section 8 (A) and Section 10 (A) duplication, and the fact that a paragraph was inadvertently deleted from the document (see page VIII.A.3), which reads:

“Section 10 Killing and / or Seizing of Animals

(A) Any animal that enters an enclosure which is owned or leased by a person raising livestock or poultry that is unaccompanied by the owner shall be in violation of this Ordinance. The Owner or lease of such enclosure or his or her agent may apprehend or kill such animal while it is in the enclosure without liability for killing such animal.”

Throenle indicated that if this paragraph was put back into the document, there would be a need to have another Public Hearing.

The second item is in reference to licensing of dogs and retaining of their license when they come from another state. After researching this, Throenle discovered any animal brought in from another state must be licensed within 30 days in the state of Michigan. The only license that would be valid in Chocolay Township would only be licenses issued in the State of Michigan.

The third item up for discussion was the request for information from Center for Disease Control (CDC) on the issue of chickens. Throenle indicated that the primary direction from the CDC on that issue is hygiene and the washing of hands after handling of chickens.

The fourth item is clarification of the survey data from 2013. It has been mentioned several times in public comment that the residents in the waterfront district did not want chickens, but the survey data shows that this statement is in error and that 57% of the residents in WFR are in agreement that chickens should be allowed. The only two districts that do not wish to have chickens are the “Corridor Cluster Mixed Use” and the “Village Residential”. Throenle feels that the Village Residential can be addressed by the setback requirements.

Commission Discussion

Sikkema opened discussion on the item regarding the deletion of the paragraph on killing and / or seizing of animals.

Meister questioned if this would already be covered by the State of Michigan under state statute. Throenle indicated that he had not researched this, so he was not sure.

Sikkema indicated that if the animal is in the act of hunting, it would not be considered an “uncontrolled” dog. This seems to be in conflict with this paragraph.

Mahaney indicated if a person had chickens, and a domesticated animal crosses over into their property, they are probably not going to call the Township, but instead will react to what is happening.

Sikkema indicated that this would also be true with a dog crossing over into a herd of cattle – even if the dog is not harassing the cattle.

Bohjanen wondered how this interacts with or contradicts the Firearms Ordinance.

Ventura questioned whether the presence of a dog in a livestock enclosure warrants violence against the dog. If the dog is about to kill or attack in some way, then it would be considered self-defense or defense of your property. But if the dog is just present, it does not constitute a danger. Ventura feels the wording is pretty wide open for interpretation.

Smith asked if originally this language was written into the ordinance twice. Throenle indicated that it was originally in Section 10 (A), and 8 (A) had been copied to Section 10 (A) in error. The language being discussed would be reinserted into Section 10 (A) if approved.

Meister wondered if the Township even had the authority to include this in the ordinance, and does not feel that this should be in the ordinance.

Ventura also pointed out that the obeying of the ordinance is placed on the animal, not the owner.

The consensus of the Planning Commission was to leave Section 10 (A) out.

Throenle referred the Commission to Section 5 (A) of the Ordinance, which states:

“(A) ... Current dog licenses issued by other jurisdictions prior to residence in the Township shall be honored and valid for the remainder of the calendar year in which they were issued.”

Throenle requested it be changed to:

*“(A) ... Current dog licenses issued by other jurisdictions **within the State of Michigan** prior to residence ...”*

The Planning Commission agreed with this change.

Throenle directed the Planning Commission to the correspondence from Irene Place concerning leash laws.

Bohjanen stated this could be handled by the posting of signs stating “Dogs must be on leash”.

Mahaney indicated that there is a problem with dogs on the bike path. Ventura stated he feels most of the owners are responsible. Mahaney felt that if the dog is on a leash, there is less of a chance of an incident happening.

Throenle wondered about the enforcement of leash laws.

Sikkema stated it would probably be based on complaints. Consensus of the Planning Commission was to leave a leash law out of the ordinance.

The Planning Commission then moved on to discuss the information regarding the CDC view on chickens and salmonella.

Ventura stated that by looking at what the CDC furnished, salmonella is a “direct contact” disease, and you would have to have contact with the animals. This would not be an airborne disease. He doesn’t feel that chickens in the backyard would increase the likelihood of contacting salmonella.

Meister stated that people could be educated when filling out the application to have chickens.

Bohjanen stated that even though the article was dated October of 2016, there was no new information concerning salmonella. He also stated that salmonella from chickens is not a problem in domestic well water. When a well is properly placed, having chickens on your land would not contaminate the well.

Sikkema stated that livestock and other forms of poultry would be restricted to the AF district, and chickens would be allowed in all districts.

*Mahaney moved, and Ventura seconded, that after holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the draft version of Ordinance #62 Animal Control as **changed** for the following reasons:*

- 1) To align the Township regulations with those of Marquette County and the State of Michigan;*
- 2) To permit and regulate chickens in the non-agricultural zoning districts within the Township;*
- 3) To make editing changes to the ordinance text; and*
- 4) To repeal Ordinance #41 and replace it with Ordinance #62.*

Vote: Ayes: 5

Nays: 1 (Sikkema)

MOTION CARRIED

B. US 41 and M 28 Business Corridor Overlay District

Throenle introduced this for review to make sure all documents are ready to forward

to the Township Board for direction. The review will consist of going through the changes that have been made to the matrix and discussion on Home Occupations – differences between Tier 1 and Tier 2. Throenle has also included a new overlay map which includes 171 parcels that were identified as part of the overlay district.

Commission Discussion

Discussion began with Item 243 in the matrix, which involves home occupation.

Sikkema started the discussion – Mixed Use Development, Accessory Use. The question would be if the Township should allow accessory use for Home Occupation. Tier 1 would refer to home occupations that you would not be able to tell there was a business there, such as telephone answering and solicitation, home crafts, computer programming and desktop publishing, typing or secretarial service, fine arts and writing, consulting service, mail order business, or home office. He felt that this should be a Permitted use. The commissioners agreed.

Home Occupation – Tier 2 would include carpentry and cabinet maker, catering or food preparation, dressmaking, sewing, or tailoring, pet grooming service, barber or beauty service, nail or personal care salon, electronic or equipment repair, or assembly operations. These would be Conditional Use Home Occupations in the Residential districts.

Meister stated that if you are in the Mixed Use Corridor, you are already in the Commercial district, so there should be no need to have additional restrictions or restrictions greater than anywhere else.

Sikkema stated that some of the properties in the Mixed Use are zoned as R1 and R2, which would make Mixed Use harder to accept, but that doesn't mean you can't change to boundaries of the overlay zone. In looking at the map, Sikkema thought that West Fairbanks should not be included as it is currently all residential. Smith also questioned West Main, since they are currently residential.

Throenle indicated that in reference to West Main, there is only one non-residential parcel there, and that would be the Bayou. In reference to West Fairbanks, all the parcels are R2.

Sikkema asked the Commissioners if Tier 1 – Home Occupations should be set to permitted in the matrix if the West Fairbanks properties were removed. All agreed that it should.

Bohjanen questioned why the Bayou was not included. Throenle indicated that the 300 foot boundary established as the base criteria for the corridor did not include the Bayou, as it was outside the 300 foot boundary.

Meister questioned the overlay district - the last time the Planning Commission talked it was not decided if it should be an overlay or not. He was wondering why they are not including all commercial in this, such as Beaver Grove. Throenle indicated that the original discussion concentrated on the US 41 area in Harvey. Meister recalled

the discussion about Beaver Grove being that they did not want to expand the commercial area there, but that they would allow the new uses. Sikkema indicated that the Planning Commission was going to be looking at other commercial areas, once the corridor area was done.

Smith asked Meister if he was suggesting that anything commercial fall under the Mixed Use. Meister suggested that instead of an overlay, that the commercial district be changed to allow for the new uses, such as residential above or behind the business. This would include expanding the commercial district.

Mahaney wanted to clarify that they would just be changing the ordinance regarding commercial. Meister indicated that instead of doing an overlay just for Harvey, to make changes regarding commercial in other areas.

Throenle indicated they were looking at the corridor first to get everything cleaned up, and then to expand out to other areas of the Township.

Sikkema stated that one of the original goals was to revitalize the village of Harvey, and encourage people to develop here.

Throenle would like to have the Township Board give the Planning Commission direction. Smith asked if this had not already gone before the Board. Throenle indicated that they had not given a direction on how to proceed with this. Sikkema stated that what the Planning Commission is trying to do with this overlay district used to be the norm. For some reason, communities moved away from this. Now it seems we are moving back in the other direction. Milton indicated that with the Building Code there is a fire separation between residential and commercial, so those types of building details may control how residential areas can expand. Sikkema stated that when the discussion starts in Beaver Grove, the residents should be asked if they feel they live in a residential area or a commercial area, since most of Beaver Grove is residential. Bohjanen indicated that the residential in Beaver Grove is spotty.

Throenle feels there needs to be more detail before it goes to the Board, so he would like to let the Planning Commission have one more shot going street by street within the proposed corridor. He stated that there are three possibilities on how to approach this – overlay district, form-based code, or underlay district.

Sikkema requested the discussion return to the Tier 2 – Home Occupation decision. The Planning Commission decided that Home Occupation – Tier 2 would be a Permitted Use in the Mixed Use Development.

Ventura would like a definition of overlay versus rezoning, as rezoning would create lots of problems.

Sikkema felt that by spring, there should be a public meeting to bring the public in to let them know what is planned.

Mahaney asked if this fits into the Master Plan. Throenle stated that it does.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Mahaney – none

Meister - none

Smith – would like to get a copy of the complaints that are being received.

Bohjanen – is in the process of appointing new members to the Planning Commission. He would be happy to take any input. There are six applications he is looking at.

Milton – none

Ventura – has submitted his letter of resignation, effective December 31, 2016. He has spent 11 years as a Planning Commissioner, but feels it is time to move on. He stated he has enjoyed working with the group.

Sikkema – thanked Ventura for his words of wisdom and expertise that he has brought to the Planning Commission.

DIRECTOR'S COMMENTS

Throenle indicated he has two things the Planning Commission will be looking at. The sign ordinance will be on the agenda soon, as he cannot legally enforce the signs based on content. They will also need to address structures which have writing on them.

Throenle presented what is being proposed at the Silver Creek Recreation Area. Throenle presented the concept drawing to the Commissioners. The intent would be for the Marquette Little League to add four smaller fields where the soccer field is currently located. A grant is in progress for the tennis courts, and we should hear from the DNR within the next couple of months. The project would also include new playground equipment, expanded parking, and a pavilion. The cell tower money will be going into a special recreation fund and some of that may be channeled into this project.

Throenle also indicated that there is consideration for a Soccer Complex. There are some state owned parcels in Beaver Grove that are being looked at. Superiorland Soccer Association has approached the Township about developing a 23-acre complex there.

Throenle will also be including the "Township Insights" along with the "Planning News" in the Commissioner's packets.

A quote had been requested from Pride Printing on pricing for the printing and mailing of some type of brochure or postcards. Pricing was given to the Planning Commission for their information.

INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 10/04/16 Marquette City Planning Commission

B. Minutes – 10/18/16 Marquette City Planning Commission

C. Minutes – 11/02/16 Township Board minutes draft

D. Correspondence - Place

XI. ADJOURNMENT

Sikkema adjourned the meeting at 8:45 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 19, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Judy White (Board), Bruce Ventura, Tom Mahaney, Kendell Milton

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura and seconded by Milton to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

November 21, 2016

Motion by Meister, and seconded by Mahaney, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Richard Bohjanen, Township Supervisor, 140 Edgewood Drive – introduced the new members of the Planning Commission that were seated in the audience – Donna Mullen-Campbell and Jon Kangas. They have been appointed by the Township Board to replace the departing members (Andy Sikkema and Bruce Ventura). Sikkema also introduced Judy White as the new Board representative.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Business Survey

Throenle indicated that there are two reasons for completing the Business Survey. One is to gather information to complete the Business directory on the Chocolate Township website, and the second reason is to gather direction from those businesses as to where they are headed and what they are planning to do, so that as the Planning Commission proceeds with the overlay district they have a better feel for what the Township needs are.

Throenle intends to visit the businesses to deliver the survey so that he is able to speak with a representative of the business to explain the intent of the survey. Going forward with plans for the corridor, Throenle feels that this is the ideal time to be doing this. Throenle would like the commissioners to look at the survey and give him input. One error that has been brought to his attention is on Page 7, Question 28 on the No answer should read “*No (please go to question 29)*”.

Throenle pointed out that the first section is primarily for the website directory. The idea for this section came from the kiosk that is located at the Welcome Center. Information obtained from Chocolay businesses could be added not only to our website, but also to the kiosk. The second portion, which starts on page 3, is the business portion of the survey to determine what the business needs are and how the Township can help, especially looking at #6 – Business Challenges and #11 – Business Service Needs.

Commission Discussion

White stated that the survey is quite in-depth, and was wondering what the timeline for starting the surveys was, if approved. Throenle indicated that he would like to be able to start in January, and hopes to finish by the end of the first quarter.

Ventura asked if Throenle was going to visit all businesses and explain the survey. Throenle indicated that this is his plan. Throenle also hopes to be able to get the businesses involved and possibly be able to spark interest in getting the CABA (Chocolay Area Business Association) group going again. Ventura asked if Throenle also plans on surveying people with Home Occupations. Throenle indicated this would be a little harder, but he would like that to be part of the process – it may involve posting on our website and having them come to us.

Meister wondered if there should be information on the survey about the overlay district that is in the planning stage. Sikkema asked if this would be specific questions. Meister indicated it would not have to be specific questions, but something open ended to see what their feelings were. Sikkema stated it may need to be more specific so that business owners would know what was being asked. Ventura suggested that it could possibly just be an informational paragraph, and not a question that would need a response, but more to provide the rationale for the survey.

Smith wondered if the businesses affected by the overlay district should be made aware of what is being considered. Throenle indicated that by making the businesses aware, it may generate some interest at the south end of US 41 also.

Sikkema is concerned that with a survey that is 8 pages long, many businesses may not want to take the time to do it. Mahaney stated that this is a good reason for Throenle to hand deliver. Throenle indicated that the survey may look a little intimidating, but really should not take more than 10 – 15 minutes to do it. Throenle would like to increase the rate of return that is typical on surveys. Ventura stated

that it is also good public relations to hand deliver and talk with the businesses.

White indicated that it would be nice to get more of the businesses at the Planning Commission meetings to get their suggestions and ideas for the Township.

Mahaney wondered about the length of the survey – maybe something should be stressed to the business owner about the two different sections. Throenle indicated that it could be separated into two separate surveys – Part 1 if they would like to be included in the Business Directory on the website and Part 2 for more detailed information on the type of business and business needs for the corridor overlay discussion.

Mahaney questioned Part 1, #7 on Business owners – he wondered if this should be an optional question, as some business owners may not want that information on the webpage. Throenle indicated that Part 1 of the survey is basically all optional.

Ventura stated on the first page, he had looked at #6 – Description of business attributes and #11 – Description of business purpose, and was questioning why #6 would be more important than #11. Throenle will switch the order. Ventura also stated there should be more examples of attributes – White suggested “handicapped accessible”.

VIII. UNFINISHED BUSINESS

A. US 41 and M-28 Business Corridor Overlay District Matrix

Throenle indicated that he has updated the matrix on #243 and #244, to include the full description of Home Occupation Tier 1 and Home Occupation Tier 2.

240 Mixed-Use Development				
Two (2) or more different land uses integrated in a single structure or on the same lot.				
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
243	Accessory residential home occupation - Tier 1 -- (mixed in the same building) can consist of the following uses: 131, 132, 181, 185, 211, 214, 216, 221, 222, 223, 231, 243, 422, 913, 926, 927, 934, 943, 944	x		
244	Accessory residential home occupation – Tier 2 -- (mixed on the same lot) can consist of the following uses: 131, 132, 141, 142, 151, 161, 171, 181, 182, 183, 184, 185, 211, 214, 215, 216, 217, 221, 222, 223, 224, 231, 232, 321, 331, 422, 423, 435, 437, 512, 521, 611, 621, 631, 632, 913, 921, 926, 927, 943, 944, 951	x		

Commission Discussion

Meister questioned that #116 and #117 are showing they are prohibited – shouldn't they be allowed? Single family dwellings are not allowed in the mixed use, but if they already exist it seems they should not be prohibited from doing Home Occupations. Sikkema indicated that they would still be governed by residential zoning, until such time that they change their use.

Sikkema stated that if a business is already in the commercial district it would follow commercial zoning. If it was a residential property, and no changes are made to it, it would be considered a residential property and would follow residential zoning

conditions. Throenle indicated that this would be with the condition that they could use the property as a mixed-use property according to the overlay district.

Throenle indicated that if the property exists today as a residential property, it can take on the attributes of the overlay district. If something would happen to that property, then it would revert to the original zoning of the parcel prior to the overlay. Ventura felt that if something burned to the ground, you would need to follow the overlay, not the original zoning – if a residence burned down, in order to rebuild they would need to establish a commercial business first, then have an accessory residence. Ventura indicated that the reason for the overlay district is to encourage business. White discussed the fact that it didn't seem fair to the property owner that if they chose not to establish any type of business, because of the fact they were in the overlay district, they would not be able to rebuild as a residence. Meister stated he thought the discussion had been that if you were residential, and you chose to stay residential, you would not need to go commercial, and you would be able to build a house if something happened. He questioned if you would be able to put an addition on your house if you are in the mixed use district. Throenle indicated that it is up to the Planning Commission to determine what the rules will be for the overlay district.

Sikkema indicated that as the Planning Commission goes forward on this, they need to be careful on the conditions that will be put into place, as you may still have residential. The Planning Commission is not trying to destroy neighborhoods – the whole thought process on the mixed use district was to revitalize existing commercial businesses in the area. They will also need to be careful to not create a lot of sprawl.

Ventura indicated that the overall concept is good, but the Planning Commission will need to revisit the maps. The boundary lines were arbitrarily set at 300 feet from US 41 on both sides – this is what needs to be tweaked at this point. Throenle indicated that this is the next point on the agenda.

Smith asked what the rules are – zoning primary, overlay secondary? The Planning Commission has not created the rules for the overlay yet.

Sikkema asked for any more changes on the matrix.

Meister questioned #961 – this could possibly be interpreted that you would not be able to plant a tree or cut a tree. Ventura indicated that he thought this had been discussed when the previous Planner was here, and this was considered to be more of a commercial timber harvest, versus maintenance and landscape planting.

Discussion went back to #116 and #117 – Ventura questioned if there should be another column in the matrix labeled “NA – Not Applicable”. Meister stated if it's not applicable, it could be deleted. Sikkema stated that it should probably be left in, otherwise it may be looked at as an omission.

White moved, and Ventura seconded, that the land use matrix as modified will be used as the document for establishing uses for the proposed US 41 / M-28 Business Corridor Overlay district.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. US 41 and M 28 Business Corridor Overlay District

Throenle presented maps of the overlay district, with the intent that the Planning Commission will be able to walk through it by section and delete any parcels they feel should not be included in the overlay.

Commission Discussion

The Commissioners then proceeded to walk through the sections parcel by parcel, looking at current zoning and determining if it made sense for the parcel to be included in the overlay district.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

White – none

Milton – none

Ventura – has enjoyed working with the Board, Staff and public. Thanked everyone for the opportunity.

Smith – will miss both Ventura and Sikkema

Meister – has appreciated all the work Ventura and Sikkema have done on the Commission

Mahaney – has been nice working with Ventura and Sikkema.

Sikkema – was great working with the Commission – have worked through a lot of things and still a lot to be accomplished. Good luck to the Commission in the future and welcome aboard to the new members.

DIRECTOR'S COMMENTS

Throenle thanked both Sikkema and Ventura for their work in the Planning Commission, and is looking forward to working with the new commission.

Throenle indicated there will be some new zoning coming before the Planning Commission with the casino property. There may be some rezoning questions that will come up with multi-family housing units due to expansion replacing some of the residential currently out there.

Marquette Little League will be doing a presentation at the January Planning Commission meeting on plans for the Silver Creek Recreation Area.

INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 11/01/16 Marquette City Planning Commission
- B. Minutes – 12/07/16 Township Board minutes draft
- C. Correspondence – City of Marquette Master Plan Update

XI. ADJOURNMENT

Sikkema adjourned the meeting at 9:13 pm.

Submitted by:

Planning Commission Secretary
Eric Meister